



Juridical review of divorce petitions due to online gambling

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Abstract

In principle, marriage is intended to last until the death of one of the spouses. However, under certain circumstances, situations may arise that necessitate the dissolution of the marriage. The right to dissolve a marriage does not rest solely with the husband; the wife also holds this right. One such cause for filing a divorce petition is the husband's addiction to online gambling. Online gambling not only depletes financial resources but also disrupts family harmony. Addiction to online gambling can lead to prolonged tensions and conflicts. Frequently, economic issues stemming from such addiction worsen the situation, leading to disputes that ultimately result in divorce. Among the many factors that lead to divorce, judges now consider online gambling as a valid ground for marriage dissolution. Nonetheless, in practice, judges undertake a variety of considerations in adjudicating divorce cases where online gambling is cited as a factor. This study adopts a normative juridical approach and employs qualitative methods. Data collection techniques include interviews, literature review, and documentation, using secondary data sources. The collected data are then organized sequentially and systematically and analyzed qualitatively. The findings of this research indicate that judges view online gambling as a trigger for disputes and conflicts between spouses, the non-fulfillment of the wife's rights, and the burden placed on the wife as a result of the husband's excessive addiction to online gambling. Online gambling renders the household unstable, thereby defeating the objectives of marriage as envisioned in Law No. 1 of 1974 on Marriage, as well as the ideals outlined in the Qur'an, specifically in Surah Ar-Rum verse 21, which aspires to a life of *sakinah*, *mawaddah*, and *rahmah* (tranquility, affection, and mercy). Preventive measures against divorce petitions based on online gambling may be taken prior to marriage, such as through marriage counseling conducted by the Ministry of Religious Affairs. Meanwhile, after the marriage has taken place, preventive measures can only be undertaken by the wife, who must have the courage to confront a husband involved in online gambling in order to preserve the household.

Keywords: Divorce petition, online gambling

Introduction

Marriage is a divine institution (*sunnatullah*) that applies universally to all of God's creations, including humans, animals, and plants. It is a means chosen by Allah SWT as a path for His creations to reproduce and preserve their lineage and relationships (Tihami and Sohari Sahrani, 2010:6) ^[12]. According to Law Number 1 of 1974 concerning Marriage, marriage is defined as a physical and spiritual bond between a man and a woman as husband and wife, with the objective of establishing a happy and everlasting family based on the One and Only God (Wasman and Wardah Nuroniyah, 2011:31) ^[15].

In principle, marriage is intended to last for a lifetime, until the death of either the husband or the wife. This is the ideal as envisaged by Islam. However, under certain conditions, circumstances may arise that necessitate the dissolution of the marriage—particularly when continuation would bring harm. In such cases, Islam permits the termination of marriage as a last resort in the effort to preserve household well-being. Thus, the dissolution of marriage can be seen as a legitimate solution (Amir Syarifuddin, 2009:190) ^[3]. Article 114 of the Compilation of Islamic Law (KHI) states that the dissolution of marriage due to divorce may occur either through *talak* (repudiation) or through a divorce petition (*cerai gugat*). *Talak* refers to the husband's formal declaration before the Religious Court, which is one of the grounds for terminating a marriage. Meanwhile, a divorce petition is filed by the wife or her legal representative to the Religious Court (Agustin Hanapi, 2014:14) ^[2].

The desire or right to divorce is not exclusive to the husband; Islam also grants the wife the right to file for divorce. A husband may repudiate his wife, but similarly, a wife may request to be divorced through the mechanism of *cerai gugat* (divorce petition). *Cerai gugat* refers to the dissolution of a marriage initiated by the wife, which may involve the return of a settlement or other considerations, and is conducted through formalized verbal declarations (Ali Yusuf As-Subki, 2010:345) ^[4].

The primary grounds for filing a divorce petition include ongoing disputes and arguments, abandonment, domestic violence, financial hardship, and online gambling. Couples entangled in online gambling often experience significant strain in their relationships, including loss of trust, frequent conflicts, and financial instability. As a form of betting that offers no certainty of outcome and often results in substantial losses for the losing party, online gambling has become increasingly prevalent in contemporary society. When linked to the behaviors of online gambling perpetrators, it becomes clear that the aims of marriage are difficult to achieve. Gamblers may go to great lengths to continue their habit, including selling their possessions and, in extreme cases, engaging in theft, fraud, or even murder. Therefore, it can be stated that online gambling has a tangible impact on divorce rates and can also lead to poverty, idleness, familial discord, and domestic violence (Tondi, Revi & Tengku, 2023) ^[13].

This article aims to expand and enrich previous research on the juridical analysis of divorce petitions due to online

gambling. This study specifically focuses on divorce cases where online gambling is presented as a key consideration by judges in deciding on the dissolution of marriage.

Research Method

This study employs a normative legal research method, which focuses on examining the applicable norms of positive law. The core subject of normative legal research is law conceptualized as a set of norms or rules that govern society and serve as behavioral guidelines for individuals. Thus, this type of research emphasizes the inventory of positive laws, legal principles and doctrines, the discovery of law in in concreto cases, legal systematization, the degree of legal synchronization, comparative legal analysis, and legal history (Abdulkadir Muhammad, 2004:52)^[1].

The research approach adopted in this study is the case approach, conducted by analyzing judicial decisions that are relevant to the issue under investigation and that have acquired permanent legal force. A key element in this approach is understanding the theory of ratio decidendi, which refers to the legal reasoning used by judges to reach their decisions (Peter Mahmud Marzuki, 2016:158)^[9].

Data collection in this research was conducted through interviews and documentation. Interviews are defined as conversations with a specific purpose between two parties: the interviewer, who poses the questions, and the interviewee, who provides answers (Basrowi & Suwandi, 2008:127). In this study, the interviews were open-ended, allowing respondents to provide comprehensive answers related to the issues raised by the researcher. Documentation, on the other hand, involved the collection and analysis of written sources, such as literature reviews and other documents related to the subject matter (Lexy J. Moleong, 1999:196). All collected data were subsequently analyzed using qualitative analysis to draw conclusions that are in line with the objectives of this legal study.

Results and Discussion

Legal Basis Used by Judges in Deciding Divorce Petitions Caused by Online Gambling

Marriage is a sacred bond and a sunnatullah that every human being must undergo to continue their lineage. In order to realize the objectives of marriage, all requirements must be fulfilled. A valid marriage must be conducted in accordance with each individual's religion and belief system, and it must also be registered with the authorized body responsible for recording marriages, namely the Office of Religious Affairs (Kantor Urusan Agama) or the Civil Registry Office (Kantor Catatan Sipil) (Article 2, paragraphs (1) and (2) of Law Number 1 of 1974 concerning Marriage). The aim of this registration is to provide legal certainty regarding the event and its legal consequences. However, this objective is sometimes not achieved, resulting in separation that leads to divorce or the dissolution of the marital bond (Muzakkir Abubakar, 2020)^[8].

If a marriage can no longer be maintained, it may only be annulled or dissolved through the courts. The dissolution of the marriage is carried out by a judge in a court of law. According to Article 38 of Law Number 1 of 1974 concerning Marriage, the marital bond between husband and wife may be terminated due to death, divorce, or by a court decision. In addition, Article 114 of the Compilation of Islamic Law stipulates that the dissolution of marriage due

to divorce may occur through talak or through a divorce petition. To file a divorce petition, the plaintiff must register the claim with the Religious Court or Mahkamah Syar'iyah. Subsequently, both the plaintiff and the defendant will be summoned to attend the court hearing.

In Islamic law, the husband holds the right to pronounce talak, while the wife is provided with the right to seek fasakh. Thus, both parties possess equal rights in efforts to annul or revoke the marital bond due to specific legally recognized causes. Fasakh may occur due to the failure to meet certain conditions during the marriage contract or due to subsequent events that invalidate the continuity of the marriage (Rusydi Ali Muhammad & Yulmina, 2019)^[10]. Divorce by petition may be pursued in situations of necessity to prevent greater harm. A divorce petition occurs when the wife files a claim against her husband, and the Religious Court or Mahkamah Syar'iyah then processes and determines whether or not to grant the divorce based on the wife's reasoning and supporting evidence. Such petitions are usually filed when the wife can no longer tolerate the deterioration or problems within the household, leading her to request annulment or divorce.

In filing a divorce petition, a wife is required to provide the grounds for her request, accompanied by evidence and witnesses that can explain, confirm, and strengthen her claim. The procedure for submitting a divorce petition is regulated and includes: (1) filing a registration, (2) submitting the application, (3) formal and proper summons. During this process, stages such as mediation, hearings, evidence presentation, closing arguments, and the final verdict will take place (Indra Suhardi, interview). One of the issues most frequently raised in divorce petitions is the problem of online gambling. Many wives submit divorce petitions to the court because they are no longer able to endure or maintain their households due to their husbands' failure to provide for them and their behavioral changes after becoming involved in online gambling.

Judges may grant divorce petitions due to online gambling because gambling can destroy harmony within the household, and addiction to it can become a serious issue. Moreover, gambling is also recognized in religion as a permissible ground for seeking divorce. In deciding such divorce cases, the judge will consider all evidence submitted by the petitioner, such as documents, witness testimonies, and presumptions. The judge will grant a divorce petition based on online gambling if the evidence provided by the petitioner is relevant and legally valid under applicable law. In relation to divorce petitions based on online gambling, judges may dissolve the marriage by referring to or relying upon the following legal foundations:

Law Number 7 of 1989 concerning the Religious Courts, specifically:

- a. Article 49 paragraphs (1) and (2)
- b. Article 65
- c. Article 73 paragraphs (1-3)
- d. Article 74

Article 49 of Law Number 3 of 2006, which amends Law Number 7 of 1989 concerning the Religious Courts, states:

"The Religious Courts have the duty and authority to examine, decide, and resolve cases at the first instance among people who are Muslim in the following areas:

- a. Marriage;
- b. Inheritance;

- c. Wills;
- d. Gifts (hibah);
- e. Endowments (wakaf);
- f. Almsgiving (zakat);
- g. Charitable support (infaq);
- h. Donations (shadaqah); and
- i. Sharia economic matters."

Article 19 of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 on Marriage, which states:

"Divorce may occur on one or more of the following grounds:

- a. One party commits adultery, is a drunkard, drug addict, gambler, or engages in other harmful behaviors that are difficult to cure;
- b. One party leaves the other for two consecutive years without permission and without a valid reason or for reasons beyond their control;
- c. One party receives a prison sentence of five years or more after the marriage has taken place;
- d. One party commits severe cruelty or physical abuse that endangers the other party;
- e. One party suffers a physical disability or illness that prevents them from fulfilling their duties as husband or wife;
- f. Continuous disputes and quarrels occur between husband and wife, with no hope of reconciliation in the household."

Article 116 of the Compilation of Islamic Law (KHI), which similarly provides that:

"Divorce may occur on one or more of the following grounds:

- a. One party commits adultery, is a drunkard, drug addict, gambler, or engages in other harmful behaviors that are difficult to cure;
- b. One party leaves the other for two consecutive years without permission and without a valid reason or for reasons beyond their control;
- c. One party receives a prison sentence of five years or more after the marriage has taken place;
- d. One party commits severe cruelty or physical abuse that endangers the other party;
- e. One party suffers a physical disability or illness that prevents them from fulfilling their duties as husband or wife;
- f. Continuous disputes and quarrels occur between husband and wife, with no hope of reconciliation in the household;
- g. The husband violates the marriage contract (taklik talak);
- h. Conversion of religion or apostasy that causes disharmony in the household."

Article 116 of the Compilation of Islamic Law (KHI) and Article 19 of Government Regulation Number 9 of 1975 on the implementation of Law Number 1 of 1974 on Marriage contain essentially the same content regarding grounds for divorce. The only distinction between the two lies in the additional provisions under KHI, which include the violation of taklik talak and religious conversion (apostasy) that results in disharmony within the household.

When deciding a divorce petition case based on online gambling, aside from referring to the legal foundations, the judge also considers several additional factors. Among these, the judge will assess the fulfillment of rights and obligations within the household whether these aspects are being met or not. The judge also evaluates whether the essential purpose of marriage, namely the attainment of a *sakinah, mawaddah, and rahmah* (tranquil, loving, and compassionate) household, still exists. Therefore, when issuing a decision, if the objectives of marriage can no longer be realized, the judge will grant the petition to dissolve the marriage. This means the judge views the benefits of continuing the marital bond as no longer present (Indra Suhardi, interview).

Article 19 point (a) of Government Regulation Number 9 of 1975 and Article 116 point (a) of the Compilation of Islamic Law (KHI) clearly state that if a party engages in gambling and it becomes an incurable habit, the other party has the right to file for divorce. However, in practice, when deciding a divorce petition case rooted in online gambling, judges often refer instead to Article 19 point (f) of Government Regulation Number 9 of 1975 and Article 116 point (f) of the Compilation of Islamic Law. This indicates that judges emphasize the chain of consequences resulting from online gambling behavior. In doing so, judges also base their decisions on the following legal references:

1. Jurisprudence of the Supreme Court of the Republic of Indonesia Decision No. 273/K/AG/1998 dated 17 March 1999, which states: "That disputes, separation of residence, sleeping in separate beds, and the unwillingness of one party to continue life together with the other, constitute sufficient factual grounds in accordance with the legal reasons for divorce."
2. The opinion of Islamic legal scholar Dr. Musthafa As-Siba'iy in the book "Al-Mar'ah baina al-Fiqh wa al-Qonun", page 100, which translates to: "There is no benefit or goodness in uniting two people who are constantly in conflict, regardless of whether the cause is major or minor. The only benefit may be attained by ending the marital life between the husband and wife."
3. The opinion of scholars in the book *Madaa Hurriyah Az-Zaujain Fi Ath-Thalaq*, Volume I, page 83, which states: "Islam has provided the institution of divorce for situations where the household has become unstable and advice or reconciliation is no longer beneficial. When the relationship between husband and wife has become empty, continuing the marriage would amount to sentencing one party to a prolonged prison, which contradicts the principles of justice."

Judges render their decisions based on several legal guidelines, which tend to emphasize and reinforce divorce petition cases when viewed from the perspective of ongoing disputes and conflicts. In fact, if the judge were to directly refer to Article 19 point (a) of Government Regulation Number 9 of 1975 on the Implementation of Law Number 1 of 1974 on Marriage and Article 116 point (a) of the Compilation of Islamic Law (KHI), the decision process would be more straightforward and offer legal certainty, since these provisions explicitly address gambling which may be interpreted to include online gambling. However, in

practice, judges often prefer to assess the issue from another angle, namely the consequences or impacts resulting from such conduct.

The judge's reluctance to apply Article 19 point (a) and Article 116 point (a) has led to a perception that these provisions lack legal certainty. When a wife files for divorce on the grounds of online gambling, judges tend to focus on the resulting disputes and quarrels caused by such behavior, which must be substantiated by witness testimony. Judges do not accept online gambling addiction alone as sufficient grounds for divorce; rather, the petition must be supported by additional factors such as persistent conflict, verbal disputes, and other aggravating circumstances. Consequently, it is not uncommon for divorce petitions initially based on online gambling to ultimately be classified and decided under the grounds of ongoing disputes and continuous conflict. At its core, such conflict stems from one party's misconduct, such as online gambling or other violations.

The failure to apply point (a), which clearly relates directly to gambling, renders this provision functionally ineffective, as judges consistently prefer to base their rulings on Article 19 point (f) of Government Regulation Number 9 of 1975 and Article 116 point (f) of the KHI. These articles state that if continuous disputes and conflicts occur between husband and wife, and there is no hope for reconciliation, the marriage may be dissolved. In such cases, judges focus more on the consequences and impacts of online gambling, rather than the act of gambling itself. Disputes and conflicts are considered as effects or consequences arising from the act of online gambling. When one party is addicted to online gambling, it inevitably disrupts the harmony of the household and triggers other negative effects.

Efforts to Prevent Divorce Petitions Caused by Online Gambling

Marriage is not merely a union between a man and a woman, but a sacred covenant made in the name of Allah, in which both parties commit to building a household that is *sakinah* (tranquil), peaceful, and filled with love and compassion. According to Islamic teachings, the purpose of marriage is to fulfill religious guidance by establishing a harmonious, prosperous, and happy family. However, in reality, the path of married life does not always proceed smoothly as many may hope. Thus, divorce often becomes the last resort to resolve conflicts within the household. In this context, divorce is viewed as the culmination of instability within a marriage, prompting husband and wife to choose separation.

Fundamentally, marriage is intended to last a lifetime, until the death of one of the spouses. This is the ideal in Islam. However, in certain circumstances, the continuation of the marital relationship may result in harm. Islam thus permits the dissolution of marriage as a final step in the effort to sustain household well-being. In such cases, divorce becomes a necessary and lawful solution (Amir Syarifuddin, 2009:190)^[3]. Online gambling is one such factor that may lead to the dissolution of marriage.

With regard to efforts aimed at preventing divorce petitions caused by online gambling, the *Mahkamah Syar'iyah* (Religious Court) is institutionally unable to undertake preventive measures. This is because the *Mahkamah Syar'iyah* is not an institution tasked with prevention. Judges of the *Mahkamah Syar'iyah* perform a passive role,

acting solely in accordance with procedural rules. They intervene only when a case is formally filed with the court, and are authorized only to adjudicate and resolve such cases.

Preventive or proactive efforts typically fall under the purview of the government, which bears responsibility for eradicating the harmful spread of online gambling. Therefore, it is the government and society at large that must work in synergy to combat online gambling. Should the government effectively perform this function, cases related to online gambling would no longer reach the *Mahkamah Syar'iyah*. However, if the government remains passive, failing to conduct enforcement operations, public education, or legal outreach, the prevalence of online gambling in society will only increase inevitably leading to a rise in social problems, including divorce. It is essential for the government to cultivate legal awareness among citizens, which can be achieved through public education and campaigns about the dangers of online gambling (Indra Suhardi, interview).

The *Mahkamah Syar'iyah* carries out its responsibilities strictly in accordance with applicable laws and regulations. It does not act outside of its jurisdiction. The court is only authorized to resolve legal disputes, and this resolution aligns with Dispute Resolution Theory, a theory that analyzes the classification and causes of conflicts arising in society, and the various methods or strategies used to resolve them. These dispute resolution methods, applicable in both traditional and modern societies, are categorized into seven forms:

1. Lumping it, where the aggrieved party tolerates the injustice and abandons their claim;
2. Avoidance, where the injured party reduces or ceases interaction with the party at fault;
3. Coercion, where one party forces a resolution upon the other, often through threats or violence usually reducing the chance of peaceful settlement;
4. Negotiation, where both disputing parties act as decision-makers and independently agree on a resolution without third-party involvement;
5. Mediation, where a neutral third party assists the disputing parties in reaching an agreement; this mediator may be appointed by an authority or emerge informally;
6. Arbitration, where both parties agree to submit their dispute to a third-party arbitrator and agree in advance to accept the arbitrator's decision;
7. Adjudication, where a third party with formal authority such as a judge intervenes and issues a binding decision that must be carried out (Salim HS and Erlies Septiana Nurbani, pp. 147–148).

In terms of prevention or pre-emptive action against divorce petitions based on online gambling, the *Mahkamah Syar'iyah* cannot take any direct measures, as it is not an institution with preventive authority. The *Mahkamah Syar'iyah* functions solely as a judicial body tasked with resolving disputes once they have occurred specifically at the adjudication stage, where it acts as a third party with the authority to intervene in the settlement of disputes, regardless of the will of the disputing parties.

Preventive measures to address divorce petitions based on online gambling can be implemented prior to marriage. These measures may be undertaken by the Ministry of

Religious Affairs, which is responsible for administering the procedures for marriage registration. Normally, before marriage, prospective couples must go through several steps, which include:

1. Form N (in accordance with Perdikjen No. 473), issued by the Village Head, which includes information on identity and marital status. This form must be signed by the Village Head.
2. Once the Form N is obtained, it is submitted to the Office of Religious Affairs (KUA), where the KUA officials will verify the completeness of the documents. At this stage, questions are also asked about the identities of the bride and groom, the wali (guardian), mahar (dowry), blood relations, and any prior marriage agreements.
3. After verification, a public announcement is made for a period of ten (10) days. If no objections are raised during this period, the couple may proceed with formal marriage registration.

Following registration, prospective couples are usually directed to undergo marriage guidance sessions organized by authorized institutions. These sessions include education on potential threats to marital harmony, including awareness of the dangers of online gambling, which has become increasingly concerning in recent years. This preventive approach is aimed at preparing and educating engaged couples.

The Ministry of Religious Affairs emphasizes the need for structured public awareness efforts, suggesting that this should become part of a state-sponsored initiative. For example, if an individual registering for marriage has a known history of involvement in online gambling, a full investigation should be conducted to verify this claim. The government should establish legal provisions to support such screenings. In the absence of legal authority, the Ministry of Religious Affairs cannot conduct direct investigations and can only inquire informally. Therefore, it is necessary to develop a syllabus-based method for premarital education that includes mechanisms to detect potential involvement in online gambling (Khairuddin, interview).

Following directives from Minister of Religious Affairs Yaqut Cholil Qoumas, the Acting Secretary General of the Ministry, Suyitno, issued a circular letter mandating that all civil servants (ASN) within the Ministry actively participate in disseminating information about the prohibition of online gambling. The Circular Letter on the Prevention of Online Gambling within the Ministry of Religious Affairs was issued on Wednesday, 26 June 2024, and was addressed to a wide range of officials including the Inspector General, Directors General, Heads of Agencies, Rectors/Heads of State Religious Higher Education Institutions, Bureau Chiefs, Provincial Offices of the Ministry of Religious Affairs, Heads of Training Centers, and Heads of Hajj Dormitory Units and Qur'an Manuscript Centers.

Suyitno stressed that, as per the directive, all civil servants under the Ministry must actively prevent and refrain from engaging in online gambling. Any personnel found involved in such activities will face strict disciplinary sanctions. This initiative is a strategic move by the Ministry to uphold the integrity and morality of its civil servants and to foster a dignified and clean working environment. With the issuance of this circular, all employees of the Ministry are expected

to play an active role in preventing and raising awareness about the dangers of online gambling, which not only erodes morality but also has severe social and economic consequences (Wahyu Ciptadi Pratama).

Earlier, Anwar Saadi, Head of the Subdirector for Marriage Guidance at the Ministry of Religious Affairs, had also emphasized the importance of integrating online gambling prevention materials into religious counseling and education programs. He instructed marriage officiants (penghulu) and Islamic religious counselors across Indonesia to include information on the dangers of online gambling in their counseling and marriage guidance programs (Bimwin). This educational content should also be incorporated into guidance provided to congregations under the care of religious counselors nationwide. Anwar stated that these efforts are part of the Ministry's support for the National Task Force on Online Gambling, which was formed by the government in response to the online gambling crisis.

To date, there has been no formal collaboration between the Ministry of Religious Affairs and local governments (Pemda) regarding online gambling cases in the household context. However, through the Office of Religious Affairs (KUA), the Ministry has provided premarital guidance to prospective couples. In terms of handling online gambling cases, the Ministry of Religious Affairs has not yet identified which institutions it should collaborate with. Although collaboration with the Islamic Sharia Office (Dinas Syariah Islam) has been considered, there remains uncertainty regarding jurisdiction over such cases. At present, the Ministry of Religious Affairs is only able to offer suggestions and recommendations to the Islamic Sharia Office concerning the eradication and mitigation of online gambling.

For now, the Ministry of Religious Affairs mandates marriage guidance programs (Bimbingan Perkawinan, or Bimwin) for all prospective couples. Bimwin serves as a crucial preventive measure, as it equips couples with the essential knowledge and skills needed to build a family grounded in the values of *sakinah* (tranquility), *mawaddah* (affection), and *rahmah* (compassion). This initiative is also expected to help reduce the national divorce rate, which remains a significant societal challenge in Indonesia.

The Ministry's role in prevention is limited to the period before marriage, primarily through socialization and premarital counseling. Once a marriage has taken place, the responsibility for preventing divorce due to online gambling increasingly rests on the active role of the wife. As explained by Dr. H. Agustin Hanap, LC, MA, Head of the Family Law Department at the Faculty of Sharia and Law, UIN Ar-Raniry Banda Aceh, during an interview on the Serambi Spotlight podcast titled *Efforts to Prevent Divorce Due to Online Gambling*, a wife's role in preventing her husband's involvement in gambling is critical to saving the marriage. Agustin stated that a wife must have the courage to confront her husband if early signs of online gambling behavior emerge. She must be vigilant in observing changes in her husband's behavior and not be afraid to ask questions. This should be done before the husband becomes deeply entangled and addicted.

If the husband's behavior shows signs indicative of online gambling, the wife may offer advice and remind him of his responsibilities. Should this approach prove ineffective, involving extended family (such as parents) can help in

seeking a solution. Agustin further emphasized that, while divorce is permissible in Islam, it should be regarded as a last resort, to be pursued only when there is no longer a viable path to resolving marital problems. In cases where online gambling has caused serious harm or poses a threat to the wife, separation may be permitted (Yeni Hardika)^[16].

From an Islamic legal perspective, several solutions and strategic responses to this issue can be identified, including the enforcement of firm, Sharia-based laws, such as:

1. The government must strengthen law enforcement against online gambling platforms, in line with Sharia principles. Cooperation with internet service providers to block access to gambling websites must be intensified. This step is essential to protect the public from the temptations of online gambling.
2. Comprehensive religious education must be enhanced to deepen public understanding of the dangers of gambling. Mosques, Islamic boarding schools (pesantren), and Islamic educational institutions should actively disseminate information and educate communities about the prohibitions and harmful consequences of gambling in Islam.
3. Faith-based rehabilitation programs must be made available, offering recovery services grounded in Islamic teachings. These programs should include spiritual guidance, counselling, and community support to help addicts recover and return to a righteous path.
4. These rehabilitation centers must be accessible and supported by trained professional personnel.
5. Halal economic empowerment is also a crucial initiative. Encouraging communities to engage in lawful economic activities can offer alternative livelihoods and divert attention away from gambling-related behavior. Islam teaches that earning a livelihood through halal means brings blessings and peace in life.

Online gambling is a hidden adversary in the digital era that can inflict damage from various perspectives, including the Islamic viewpoint. Through strong law enforcement, effective religious education, and accessible rehabilitation support, society can be protected from the latent dangers of this phenomenon. Islam provides clear guidance to avoid gambling practices and to live a healthy, balanced, and blessed life. It is not uncommon for the practice of online gambling to lead to disputes one of the most frequent being marital conflict.

Such disputes may be resolved using dispute resolution theory, which in academic literature is often referred to as conflict theory. Conflict is defined as a difference of opinion and understanding between two parties concerning their rights and obligations in the same time and circumstance. According to Dean G. Pruitt and Jeffrey Z. Rubin, conflict is the perception of incompatible interests or the belief that the aspirations of conflicting parties cannot be simultaneously achieved. Conflict arises either from conflicting interests or the failure of parties to reach an agreement. A difference of interest refers to a divergence in the needs or demands of each party. According to Idris Talib, conflict theory can be categorized based on: the object of the dispute, the factors causing the conflict, and the strategies used for conflict resolution.

Online gambling serves both as an object and a triggering factor in household disputes. Addiction to online gambling often leads to disarray within the family structure. It causes

repeated domestic quarrels, insufficient financial support due to money lost in gambling, overwhelming debt, and in many cases, domestic violence triggered by emotional instability—particularly when the gambler suffers losses. These effects seriously undermine domestic life. Consequently, many wives resort to filing for divorce, unable to cope any longer with husbands who are addicted to online gambling. The legal avenue to end such a marriage is to file a divorce petition, which is adjudicated by a judge in accordance with applicable dispute resolution theories, as previously discussed.

Conclusion

The legal basis most frequently used by judges in resolving divorce petition cases includes Law Number 1 of 1974 on Marriage, Government Regulation Number 9 of 1975 on the Implementation of Law Number 1 of 1974, Article 116 of the Compilation of Islamic Law (KHI), and other relevant regulations pertaining to the case presented. Preventive efforts to avoid divorce petitions based on online gambling may be conducted before marriage through premarital counseling (Bimbingan Perkawinan/Bimwin) provided by the Ministry of Religious Affairs, typically during the marriage application process. However, once the marriage has taken place, preventive efforts rely heavily on the active role of the wife. She must have the courage to confront a husband already involved in online gambling in order to preserve the household.

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