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Analysis of the Decision of the Bogor Religious Court on the Causes of Divorce of Husband and Wife Due to Online Gambling¹

Putri Isna Rahmayanti,¹ Hambari,² Rusdi Kasman,³ Zuhtratun Nakhwah⁴

^{1,2,3}Universitas Ibn Khaldun Bogor

⁴Universitas Al-Azhar Cairo

✉ corresponding email: putriisna1107@gmail.com



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Abstract

This study examines the causes of divorce related to online gambling and the opinion of the Bogor Religious Court judge in deciding Case Number 1273/Pdt.G/PA.Bgr. The method used in this research is qualitative. The type of research conducted by researchers involves library research, which aims to analyze, explain, and describe the latest facts and identify correlations between them. The fact that is the object of this research is the decision of the Bogor Religious Court judge with Case Number 1273/Pdt.G/2024/PA.Bgr so that in solving it, data collection must be carried out using rules, theories, arguments, and so on, so that the results are in line with the issues that the author conveys. The results of this study indicate that the causes of divorce due to online gambling can affect a relationship in marriage, including the effects of addiction to online gambling games, which can cause the husband to be unable to meet the needs of his family and cause conflict that ends in divorce. The reasons raised by the Defendant (wife) are in line with Article 19 of Government Regulation Law (PP) Number 9 of 1975, letters a and f, and Article 116 of the Compilation of Islamic Law (KHI), letters a and f. Factors: The judge's consideration efforts are carried out subjectively and objectively by religion to prevent divorce, regarding divorce cases due to online gambling, and factors causing online gambling.

Keywords: Religious Court Decisions; Divorce; Online Gambling

A. INTRODUCTION

Human social relations are very important. The philosophers explain this by saying that humans have a madani (civil or social) nature, which means they must have social relations called al madinah (civility or population), because humans need the help of others to sustain themselves. According to Razmi Mujibullah, there are both spiritual and physical needs. (Khaldun, 2001) Physical needs include clothing, housing, food, and vehicles; spiritual

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needs encompass love, affection, compassion, and the desire to be loved and to give love. (Mujibullah et al., 2019).

Households are also considered the smallest community in community life. Everyone wants harmony in the household, whether they are married or not. (Asman, 2024).

The wedding journey is bound to face many challenges, regardless of how prepared you are. Everyone is required to be prepared, as these things are likely to happen in this world. Everything has to be planned, just like when building a household. There will be many challenges at every step of life, but if the husband and wife recognize their responsibilities as husband and wife, they will not break the rules that lead to infighting and hurting each other, instead always striving to build a harmonious household. (Asman, 2024).

Home life has undergone significant changes as modern society has developed. To survive, they have had to adapt to advances in technology, information, and communication. These advances have made it easier for people to obtain and receive all information. The development of technology, information, and communication has caused numerous problems for society, particularly in family life, although it has many benefits in supporting social interactions. (Asman, 2024).

The misuse of advances in technology, communication, and information, as well as the lack of accuracy, contributes to this happening. Modern technology has a profound impact on people's lives, as it can alter how individuals perceive and experience their lives. One example is the existence of online gambling platforms, which have a different impact on social life, especially in family relationships. (Asman, 2024).

Online gambling is a type of gambling conducted over the internet using electronic devices such as computers, laptops, tablets, or smartphones. Players at online casinos can bet on various kinds of games, including poker, blackjack, roulette, and slot machines, among others. The advantage of playing online gambling is that players can play anytime and anywhere, without needing to visit a physical casino. However, it is essential to remember that online gambling also comes with the risk of losing money and can become addictive. (Situmeang et al., 2023).

Various parties, from society to law enforcement, have noticed gambling as a social problem. This phenomenon affects everyone, regardless of their economic status, education, ethnicity, gender, or age. (Asman, 2024). In the Qur'an, surah Al-Maidah, verse 90, Allah SWT says:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

Meaning: "O you who believe! Verily, drinking alcohol, gambling, sacrificing to idols, and casting lots with arrows are abominable and are among the deeds of the devil. So avoid them so that you may prosper". (QS. Al-Maidah: 90).

In the interpretation of Ibn Kathir, it is explained that Allah SWT. Says forbidding His believing servants to drink alcohol and gamble. It has been mentioned in a narration from Amirul Mu'minin Ali Ibn Abu Talib Ra., that he once said chess was included in gambling, similarly, according to what was narrated by Ibn Abi Hatim, from his father, from Isa Ibn Marhum, from Hatim, from Ja'far Ibn Muhammad, from Ali Ra.

Ibn Abu Hatim also said: Muhammad ibn Isma'il al-Ahmasi narrated it to us, and Waki' narrated it to us, from Sufyan, from Lais, from Ata, Mujahid, and Tawus, according to

Sufyan or two of them; they said that everything that involves betting is gambling, even children's games with marbles.

The explanation of the verse shows clearly that alcohol and gambling are evil deeds that are included in the deeds of the devil. Online gambling sites that are increasingly popular and can be accessed at any time are a big problem for families. One of the effects is that it can disrupt household relationships due to economic problems, a lack of communication, and insufficient time to spend with family. This is the main factor that causes disharmony in household life (Asman, 2024).

In 2022, the Bogor Religious Court received 1,707 divorce applications. There were 1,296 divorce applications filed by wives and 411 divorce applications filed by husbands. In 2023, the Bogor Religious Court received 1,622 divorce applications. Of these 1,622, the wife filed 1252, and the husband filed 370 divorce applications. When comparing divorce applications at the Bogor Religious Court in 2022 and 2023, the number of divorce applications decreased, specifically from 1,707 in 2022 to 1,622 in 2023. So, a decrease of 85 divorce applications, or around 26%.

Until 2024, divorce applications at the Bogor Religious Court continued to decrease, with 1,273 gugat divorces (filed by wives) and 347 divorces (filed by husbands). So there were 1620 divorce applications. However, the divorce rate is still relatively high. Several factors contribute to divorce. Among these are economic problems, family quarrels, marital disharmony, a lack of responsibility, and the presence of a third party or infidelity.

While divorces caused by online gambling alone, both Bogor Regency and Bogor City amounted to 153 married couples from 2022 to early 2025. For the Bogor Religious Court itself, divorces caused by online gambling amounted to 10 married couples from 2022 to 2024.

Article 116 (a) of the Compilation of Islamic Law states that the basis for the permissibility of divorce is that one of the parties commits adultery or is a drunkard, junkie, gambler, or other things that are difficult to cure (Abdul Hakim, 2023). In addition, gambling, according to Article 116 (a), is one of the offenses that can be the basis for divorce in civil cases. In Article 303 of the Criminal Code, Article 303 bis of the Criminal Code, Article 27, paragraph 2 of the ITE Law, and Article 45, paragraph 2 of Law No. 1 of 2024, concerning amendments to the ITE Law, the Indonesian government regulates gambling issues. According to Article 303 Paragraph (3) of the Criminal Code, "what is meant by a gambling game is any game, which generally depends on luck, and also if the expectation becomes greater due to the cleverness and habit of the player."

One of the reasons for divorce is that the head of the household plays online gambling, causing problems in the household and making the husband unable to meet household needs because of the debt incurred from playing online gambling.

Case Number: 1273/Pdt.G/2024/PA.BGR is one of the contested divorce cases at the Bogor Religious Court. The main problem is that the defendant often plays online gambling, the defendant has incurred many debts from playing online gambling, and the defendant cannot meet household needs.

B. METHOD

This research uses a qualitative library research method. This method was chosen because the research aims to understand and describe in depth the case analysis of the Bogor Religious Court's decision on the causes of divorce in husbands and wives due to online

gambling. Specifically, Muhajir divides the stages of content analysis into three categories: classification of signs used in communication, using criteria as a basis for classification, and employing specific analytical techniques as predictors (Kasman & Huaida, 2022). In this study, the data analysis carried out includes: first, identifying dialog sentences in the Bogor Religious Court decision archive Number 1273/Pdt.G/2024/PA.Bgr., which contains a divorce suit filed by the wife against her husband due to online gambling. Second, classifying the archived documents of the Bogor Religious Court decision Number 1273/Pdt.G/PA. Based on the law related to this research. Third, analyze in depth the text and content of the Bogor Religious Court decision archive Number 1273/Pdt.G/2024/PA.Bgr. which is mapped based on the causes of divorce due to online gambling and legal considerations by the judge in deciding the case.

C. RESULT AND DISCUSSIONS

1. Causes of Divorce in Husband and Wife Due to Online Gambling

According to the process, divorces caused by online gambling show that in domestic life, online gambling is often used as a way to earn a living by husbands, with the excuse of getting profits from gambling games, which are then used to meet household needs. Gambling is considered a form of betrayal of marital fidelity, which can trigger disputes and ultimately damage household harmony, thus causing divorce between husband and wife.

Case Number 1273/Pdt.G/2024/PA.Bgr in the decision the husband is a person who is addicted to playing online gambling, the wife makes online gambling the main reason for asking her husband for a divorce because her husband spends money that should be used for daily needs as online gambling capital and results in much debt due to the online gambling game, causing continuous arguments that can damage household harmony and eventually lead to divorce.

Divorce is the breaking of ties in the relationship between husband and wife, which means the dissolution of the law of marriage, so that the two of them are no longer positioned as husband and wife and no longer live together in a household. (Sabri Samin, 2016). The breakup of marriage is regulated in the Law of the Republic of Indonesia. No. 1 of 1974 stated in article 38 that marriage can be terminated because:

- a. Death,
- b. Divorce and
- c. By Court Decision (Sururi, 2023).

Article 115 of the Compilation of Islamic Law (KHI) emphasizes the sound of Article 39 of Law RI. No. 1 Year 1974, which is by the KHI consideration, namely: divorce can only be carried out in front of a Religious Court session after the Religious Court has tried and failed to reconcile the two parties. Divorce may be carried out on one of the legal grounds specified in Article 39 paragraph (2) of Law No. 1 of 1974, which has been elaborated in Article 19 of Government Regulation (PP) No. 9 of 1975 and Article 116 of the Compilation of Islamic Law, namely:

- a. One of the parties commits adultery, or becomes a drunkard, addict, gambler, and so on, that is difficult to cure;
- b. One of the parties leaves the other party for 2 (two) consecutive years without the permission of the other party and valid reasons or for other reasons beyond his/her ability;
- c. One of the parties receives a prison sentence of 5 (five) years or a heavier sentence after the marriage has taken place;

- d. One of the parties commits cruelty or severe maltreatment that endangers the other party;
- e. One of the parties suffers physical disability or illness with the result that he/she is unable to fulfill his/her obligations as husband or wife;
- f. There is continuous dispute and quarrel between husband and wife, and there is no hope that they will live in harmony again in the household;

KHI:

- g. The husband violates the talaq talak;
- h. Change of religion or apostasy, which causes disharmony in the household (Sabri Samin, 2016).

So, juridically, the legal grounds for divorce are alternative, in the sense that a husband and wife can file a divorce claim with just one of the reasons. The legalization of a divorce that is valid and recognized by law in Indonesian legislation through a judge's decision in court, a divorce that occurs outside the court is considered invalid and has no legal force. (Hadrian & Hakim, 2020).

The Bogor Religious Court judge's decision used online gambling as the basis for divorce. Gambling can occur if one party (husband or wife) engages in gambling to the detriment of the other party, and the dispute between husband and wife cannot be resolved, such as case number 1273Pdt.G/2024/PA.Bgr.

According to Article 39, Paragraph 2 of Law Number 1 of 1974, the reason for divorce in case Number 1273/Pdt.G/2024/PA.Bgr. Must be fulfilled due to continuous disputes and quarrels between husband and wife by Article 19 Letter f of Government Regulation Number 9 of 1975 and Article 116 Letter f of the Compilation of Islamic Law, for example "between husband and wife there are continuous disputes and quarrels and there is no hope that they will live in harmony again in the household", the defendant (husband) in this case is a person who is addicted to playing online gambling, has many debts due to playing online gambling, by Article 19 Letter a of Government Regulation Number 9 of 1975 and Article 116 Letter a of the Compilation of Islamic Law, namely "one of the parties commits adultery or becomes a drunkard, junkie, gambler and so on that is difficult to cure" (*Kompilasi Hukum Islam*, 2023).

1. Several factors cause divorce in the Bogor Religious Court, namely:

- 1) Continuous disputes and quarrels
- 2) Abandonment of one of the parties
- 3) Economy
- 4) Domestic violence
- 5) Apostasy
- 6) Drunkenness
- 7) Gambling
- 8) Sentenced to prison (Mahkamah Agung, 2025).

2. While the external factors that cause divorce are young age, because they only think of beautiful things and are too emotional when facing problems, so they lack understanding of what the marriage bond is (Mahkamah Agung, 2025).

3. Bogor Religious Court's Efforts to Prevent Divorce

To avoid divorce claims, the Bogor Religious Court gave the defendant party time to conduct mediation. A mediator conducts mediation; however, if the defendant is not present, the judge will advise the plaintiff not to proceed with the lawsuit after reviewing the plaintiff's reasons. Both of these things are done to help the plaintiff and defendant reconcile. The word

of Allah in the Qur'an Surah Al-Hujurat verse 10 is the basis for reconciliation in Islam, namely:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلَحُوا بَيْنَ أَخَوَيْكُمْ ۚ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

Meaning: *“Those who believe are indeed brothers. Therefore, reconcile (mend relations) between your two brothers and fear Allah, so that you may have Mercy”.*

In tafsir tahlili, (Qur'an.Nu, 2025) Allah explains that indeed the believers are all brothers like the brotherly relationship between bloodlines, because they both adhere to the same elements of faith and are eternal in heaven. In a sahih hadith narrated:

الْمُسْلِمُ أَخُو الْمُسْلِمِ لَا يَظْلِمُهُ وَلَا يَسْلِمُهُ وَمَنْ كَانَ فِي حَاجَةِ أَخِيهِ كَانَ اللَّهُ فِي حَاجَتِهِ وَمَنْ فَرَّجَ عَنْ مُسْلِمٍ كُرْبَةً مِنْ كُرْبَةٍ اللَّهُ عَنْهُ كُرْبَةٌ مِنْ كُرْبَاتٍ يَوْمَ الْقِيَامَةِ وَمَنْ سَتَرَ مُسْلِمًا سَتَرَهُ اللَّهُ يَوْمَ الْقِيَامَةِ. رواه البخاري عن عبد الله بن عمر

It means: *“A Muslim is the brother of another Muslim; do no wrong and do not allow him to do wrong. He who helps his brother in need, Allah helps him in need. He who relieves a Muslim of one of his hardships, Allah will relieve him of one of his hardships on the Day of Resurrection. He who covers his brother's shortcoming, Allah will cover his shortcoming on the Day of Judgment.”* (Riwayat Al-Bukhari dari Abdullah bin Umar).

This verse explains that bringing peace to every Muslim who is experiencing disputes and quarrels is important as a form of worship before Allah. However, peace is not recommended if it is done with violence, instead peace must be made upon the agreement of both parties. Peace in Islam is also found in the Qur'an Surah An-Nisa verse 128:

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

It means: *“if a woman fears that her husband will be unfaithful, or will be indifferent, they can make a real peace. Peace is better (for them), although man by nature is miserly. If you do good and preserve yourselves (from nusyuz and indifference), surely Allah is Most Observant of what you do”.*

In Tafsir tahlili, (Qur'an.Nu, 2025a) This verse explains the attitude that must be taken by a wife when she sees the attitude of nusyuz from her husband, such as not carrying out his obligations towards her as it should be, not giving maintenance, not having good sex, diminishing his love and affection, and so on. This may be caused by both parties or by one party alone. If this is the case, then the wife should consult with her husband, approach him, make peace with him, and try to restore his love and affection that has faded. In this case, there is no sin if the wife gives in to her husband, such as being willing to relinquish some of her rights. The effort to make peace made by the wife does not mean that she must be willing to give up some of her rights that her husband has not fulfilled, but rather to show her

husband her sincerity, so that he will remember the obligations that Allah has determined. Allah says:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَ دَرَجَةٌ

Meaning: *“And they (women) have rights in proportion to their duties appropriately. But the husbands have an advantage over them ...”* (al-Baqarah/2:228).

Peace in family life is the aim of the religion in sanctioning marriage. Therefore, Muslims should keep away from all possibilities that can eliminate the peaceful atmosphere in the family. The loss of peace in the family opens the possibility of divorce, which Allah hates. Miserliness is a human trait. Miserliness arises because people are self-centered, paying little attention to others, even if that other person is their spouse. Therefore, beware of miserliness. Let each party, whether husband or wife, be willing to have some of their rights reduced to create a peaceful atmosphere in the family if the husband does good by treating his wife well again, fostering love and affection, and carrying out his obligations towards his wife. Then Allah knows it and gives a double reward.

In this verse, reconciliation in marital conflict is explained by saying that making peace between husband and wife is better than letting it happen. Referring to these two surahs, Islam advocates peace for those in dispute. Peace itself is achieved through deliberation and negotiation.

In the Bogor Religious Court, efforts to resolve disputes between spouses through mediation are typically referred to as peace efforts. According to Regulation No. 1 of 2016 of the Supreme Court of the Republic of Indonesia concerning Mediation Procedures in Court, all cases that enter the Court must first undergo mediation.

2. Legal Considerations by Judges of the Bogor Religious Court in Case Decision Number 1273/Pdt.G/2024/PA.Bgr

Legal considerations, or what is known as *ratio decidendi*, are legal reasons or rationale used by a judge in deciding a case. Legal considerations must be concretely outlined in the analysis, argumentation, opinion, and conclusion of the judge. (Hadrian & Hakim, 2020). Legal considerations must begin with the words “considering and so on,” based on the facts revealed during the trial.

Online gambling has increased in society because several factors, namely, trigger it: (Ramadhan, 2024).

1. Economic Factors, which are the primary reason many people engage in online gambling to achieve significant profits at low costs.
2. The Unemployment Factor The large number of unemployed people also contributes to the development of a gambling problem. They think that by playing gambling or opening a gambling business, they will reap abundant profits.
3. The boredom factor, where online gambling sites are often designed to resemble games, attracting attention and eliminating boredom, allowing them to be accessed anytime and anywhere.
4. The low expense factor, as it does not cost much, yet has the potential to generate huge profits, makes online gambling attractive to many.
5. Educational factors, a person's education is very influential for the mental development, behavior, or character of each individual, both in the family environment and the formal education that a person experiences.

6. Environmental Factors, The environment is also a factor that encourages people to commit gambling crimes, as humans are social creatures, and this is closely related to the environment in which they live.

Playing gambling is very detrimental; there are many logical and scientific reasons behind the prohibition of gambling in Islam. Allah SWT has warned firmly about the dangers of this gambling in the Al-Qur'an, specifically in Surah Al-Baqarah, verse 219, and in Surah Al-Maidah, verses 90-91, as mentioned above. This gambling is one of the criminal acts because it is against the law of the legislation and the law of Allah, which comes from the Qur'an and Hadith. There are several reasons gambling is strictly prohibited in Islam, namely:

1. Economically, gambling can lead to financial hardship and poverty.
2. Psychologically, as found in the Qur'an, gambling can foster hostility and an attitude of excitement, arrogance, and arrogance on the winning side. While on the losing side, it will cause stress, depression, and even suicide.
3. Sociologically, gambling can destroy family harmony, and it also causes social conflicts, such as divorce, quarrels, and can even lead to criminal acts, such as murder and so on (Ali, 2024).

Therefore, all forms of gambling are haram, resulting in legal actions and are considered a form of betrayal of marital loyalty, besides that it causes quarrels that lead to the destruction of the household, so that there is no longer any benefit in the household and causes much harm, therefore gambling can be a cause of divorce in the household.

Based on the analysis of researchers, divorce in Indonesia is increasing, the cause is no longer due to a third person, or the economy alone, currently the cause of divorce is quite a lot caused by one of the parties (husband/wife) doing gambling, so that it can harm many people including their spouse.

The impact of online gambling on the integrity of the household, namely:

1. In an economic downturn, online gambling can result in substantial economic losses for individuals who do it and their families. Money that could have been used to fulfill daily needs, children's education, or saved for future needs is instead spent on gambling.
2. Mental health impacts, due to online gambling, include the loss of trust between partners. Online gambling players will lie and hide their activities from their partners, causing suspicion and distrust.
3. Abandoning their responsibilities towards the family, because they spend a lot of time gambling, ignoring the emotional and physical needs of their partners and children. This can cause the partner to feel neglected and unappreciated in the household, which ultimately worsens the household relationship (Ananda & Bahri, 2025).

Therefore, the Religious Court needs to make efforts to prevent this divorce case. In the Bogor Religious Court itself, efforts to prevent divorce are carried out through mediation between the husband and the wife, aiming to reconcile them and rebuild their household peacefully. Of course, the peace efforts do not force the parties to the dispute; instead, they must be made by mutual agreement of both parties.

Mediation is an alternative dispute resolution process where a third party (an impartial person) works with the litigants to help them reach an agreement. Mediation can also be interpreted as an effort to resolve the parties' case through an agreement between the litigants, accompanied by a neutral mediator who facilitates dialogue between the litigants, promoting openness, honesty, and the exchange of opinions to achieve peace. (Ali, 2024).

The benefits of the mediation process are that it is described as being careful, thorough, and straightforward in its procedure. The mediator can act as a good listener and help the parties lift the veil on the problem, allowing them to explain what is happening, express their concerns, and share their expectations without being directly confronted by the opposing party. Mediation also has the potential to give the parties a greater sense of authority than when they litigate in Court. In the mediation process, the parties fully participate and are willing to comply with the decision because it is approved and proposed by the parties themselves through the mediator, rather than being imposed by other parties. (Ali, 2024).

D. CONCLUSION

Based on the discussion of the researcher's research entitled Analysis of the Bogor Religious Court decision case causing divorce of husband and wife due to online gambling, with Case Number 1273/Pdt.G/PA.Bgr. then the following conclusions can be drawn:

1. Causes of Divorce Due to Online Gambling

The divorce between husband and wife in Case Number 1273/Pdt.G/2024/PA.Bgr at the Bogor Religious Court was caused by the husband's behavior of being addicted to online gambling. This addiction made the husband unable to meet the economic needs of the family, spending money on gambling and incurred large debts. As a result, there were constant arguments and loss of harmony in the household, which then prompted the wife to file for divorce.

2. Legal Considerations of Judges of the Bogor Religious Court

The judge considered that the habit of gambling is classified as one of the valid reasons for divorce, according to Article 19, letters a and f, of Government Regulation No. 9 of 1975 and Article 116, letters a and f, of the Compilation of Islamic Law. Gambling is considered an act that is difficult to cure and causes prolonged disputes that do not allow the two parties to live together again. Therefore, the judge granted the wife's divorce petition.

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