



## The Legal Perspective of Accepting Donations from Mobile Legends Streamers Affiliated with Online Gambling Sites: Yusuf Qardhawi's Viewpoint

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**Abstrak** - The rise of Mobile Legends as a popular game has led to new forms of interaction between streamers and their audiences, including financial support through donations. This study examines the legal implications of accepting donations from Mobile Legends streamers affiliated with online gambling sites, using Yusuf Qardhawi's Islamic legal perspective as a framework. It is not uncommon for viewers to show their appreciation to Mobile Legends streamers as a form of support for the players. However, the issue arises with donations or contributions affiliated with online gambling sites. Streamers, who typically conduct live broadcasts to play Mobile Legends and interact with viewers, have come under scrutiny after receiving donations ranging from tens to hundreds of millions of rupiah from online gambling sites. This study aims to understand the legal perspective of accepting donations from Mobile Legends streamers affiliated with online gambling sites according to Yusuf Qardhawi's viewpoint. This research employs empirical legal research with a qualitative approach. Data is sourced from primary and secondary legal materials. Based on the findings, it is concluded that accepting donations is a permissible act. However, before practicing it, the source must be identified to determine whether it is obtained through lawful means or otherwise. In Islam, gambling is clearly prohibited. A Muslim should not use gambling as a means of entertainment or to fill leisure time, nor is it permissible to use it as a way to earn money under any circumstances.

**Keywords:** Donations, Online Gambling, Yusuf Qardhawi

### I. INTRODUCTION

In the era of globalization and rapid technological advancement, social media platforms and online games have become integral to modern life. Mobile Legends, a popular online game developed by Moonton, exemplifies this technological growth and the intersection of entertainment and business. Released in 2016, the game has gained significant popularity in ASEAN and attracts numerous streamers and sponsors. The development of technology is progressing day by day in this era of globalization. Along with technological advancements, the widespread influence of social networks has made it difficult for people to detach themselves from these platforms, as they facilitate meeting everyday needs. Social media has taken on a significant role in society and has transformed into a business platform, with the perception that it can deliver information or news more quickly. One of the rapidly growing technological innovations in society is the proliferation of online games, which serve as both entertainment and a means of earning money. (Naufal, 2020)

Mobile Legends is a free online game inspired by League of Legends, popular among the public. This Chinese game was created on May 14, 2016, and officially released for the Android market on July 14, 2016, and for the iOS market on November 9, 2016. Four years

after its inception, Moonton's game has successfully become one of the most popular games in ASEAN. To achieve victories like the EVOS Sport team from Indonesia did in an international tournament held from November 11-17, 2019, at Axiata Arena Bukit Jalil, Malaysia, this game employs a strategy of pitting five players against five, all aiming to destroy the opponent's tower. Numerous game tournaments organized by both communities and individuals attract Mobile Legend streamers, where organizers usually offer various enticing prizes, including money, diamonds, certificates, and other accolades. These prizes are typically sourced from sponsors or donors, who, in return, gain promotional opportunities, thus benefiting from their contributions to Mobile Legend streamers. (Adi, 2018)

Donations, also known as charity or contributions, are generally physical gifts given by individuals or legal entities. These contributions are voluntary and do not expect any profit-oriented returns. According to the Indonesian Dictionary (KBBI), the definition of donation is a fixed contribution (in the form of money) from donors to an association. From this definition, it can be concluded that donations are voluntary gifts to others without any coercion from the donor. (Nasution, 2022a) Recently, the public has been abuzz with discussions about online gambling sites donating to YouTube streamers. One of the most highlighted cases involves a Mobile Legends streamer, a former pro player from an E-sports team. Streamers who usually conduct live broadcasts to play games and interact with viewers have come under scrutiny after receiving donations ranging from tens to hundreds of millions of rupiah or more from online gambling sites. This is not a new phenomenon but has become a trend among gambling sites as a marketing strategy. The strong appeal of streamers within the Mobile Legends community makes them an attractive target for online gambling sites. (Herlambang et al., 2019)

The phenomenon of online gambling has become an increasingly concerning issue. In recent years, numerous cases have involved online gambling activities, driven by the ease of accessing gambling sites through mobile devices and computers. Additionally, the public perceives online gambling as a quick way to earn extra money without considering the serious negative impacts. (Ardi, 2018) Based on the above description, this study is important to conduct in order to seek clarity from a legal perspective by examining Yusuf Qardhawi's views on individuals or communities donating to Mobile Legends streamers affiliated with online gambling, given that online gambling is prohibited by religion and constitutes cybercrime as outlined in Article 27 of the ITE Law No. 11/2018. (Nafila et al., 2022)

## **II. METHOD**

The type of research used in this study is empirical research to analyze the issues faced by the Mobile Legends streaming community in the city of Medan. Empirical research is a way of gaining knowledge by means of direct or indirect observation or experience. It relies on observable and measurable evidence rather than theory or belief. To achieve this, interviews were conducted with a Mobile Legends player. This study also employs a qualitative approach, which involves analyzing the research findings to produce descriptive analytical data. The collected data will be further analyzed based on the thoughts of Yusuf Qardhawi. (Sumarna & Kadriah, 2023).

## **III. RESULT AND DISCUSSION**

Donations, or contributions, or alms originate from the English word "donation," which also comes from the Latin word "donum," meaning a gift. Generally, they are physical offerings by individuals or legal entities, characterized by sincerity or voluntariness without any expectation of profit, although donations can be in the form of goods, food, clothing, toys, education, or vehicles, but not always. (Apriliani et al., 2023) In emergency situations or other specific circumstances, donations can be humanitarian aid or development assistance, such as in medical care or blood transfusions. Donations can be given not only in the form of services or goods but also as voluntary funding. As Muslims, we are required to donate as part of our religious obligations. Donations are not merely to help others but also a way for humans to draw closer to the Creator. (Fatimah, 2020) Therefore, as Muslims, we must fulfill the obligation of donating wholeheartedly and sincerely, based on Allah's commands, without

mixing forbidden matters with good deeds. Recently, donations disguised as promoting online gambling from game streamers have been widely discussed.(Rafiqah & Rasyid, 2023) Even the MPL Indonesia S12 event, which was supposed to take place on October 15, was canceled due to this issue. Some prominent players involved in this case include:

1. Steven Kurniawan / Marsha Ozawa - Rp. 15.8 Billion
2. Xinn - Rp. 9.4 Billion
3. Maxhill Antimage - Rp. 8.35 Billion
4. Rifaldi Fatah / R7 - Rp. 7.6 Billion
5. Donkey Yurino - Rp. 7.5 Billion
6. Ihsan Besari / Luminaire - Rp. 6.28 Billion
7. Bangotat / Gustian REKT - Rp. 5.85 Billion
8. Ericko Lim – Rp. 26.99 Million
9. Jonathan Liandi – Rp. 4.7 Billion

Most of the streamers above have issued clarifications and apologies, but none admitted to collaborating with gambling sites. Steven Kurniawan was accused of lying as he had deleted a video where he admitted to receiving sponsorship from online gambling. Donkey Yurino, who was previously mentioned to have received a donation of Rp. 7.5 Billion, clarified that he did not receive that much, but only about Rp. 720.5 Million after a 5% cut. Online gambling operators have found a new way to introduce their sites or apps to the public.(Rosita, 2020) They promote through the live streaming of Mobile Legends streamers. The practice involves donating through links or QR codes included in the streamer's description and stream overlay. The donor then adds a brief caption explaining their product. (Nasution, 2022b)Once the donation is successful, the caption and the amount of money given automatically appear on the screen. One of the Mobile Legends streamers and ex-pro player caught up in promoting online gambling sites is Ihsan "Luminaire" Besarik. He explained that he had thought long-term and realized what he did was a big mistake.(Ritonga et al., 2024) Luminaire admitted to often receiving donations and subtly promoting online gambling sites (Interview, October 13, 2023). The donation method in live broadcasts allows donors to include comments. This is exploited by various online gambling sites to promote by adding comments that the Mobile Legends streamer must read. The included comments tend to highlight the benefits for the online gambling sites, such as "Guaranteed Win" or "Gacor" and so on (Interview, October 2023).

Gambling is an unlawful act that goes against religious norms, legally regulated in Article 303 of the Criminal Code (KUHP) (Moeljatno, 2008). This article provides a legal loophole for parties not mentioned in the text but involved in online gambling, such as gamblers using or receiving electronic information or documents containing gambling elements (Suhariyanto, 2012). The Ministry of Communication and Information Technology (Kominfo) admits difficulty in eradicating online gambling. According to the Director General of Informatics Applications at the Ministry of Communication and Information Technology, Aswin Sasongko, gambling sites are not only from Indonesia but also from abroad, and not all legal regulations in other countries are the same as those in Indonesia (<http://inet.detik.com/red/2012/07/10/judi-online-kok-sulit-diberangus>).(Fikri et al., 2022)

Gambling is one of the largest commercial communities with many sites on the internet, providing various facilities from the classic model that only functions with keyboard buttons to the very sophisticated using thought and calculation (Magdalena, 2007: 43). Online gambling is categorized as a crime or cybercrime, which is any use of computer networks for criminal purposes (Irfan, 2013: 185). The prohibition of gambling through electronic media is stated in Article 27 paragraph 2 of Law Number 19 of 2016 concerning Information and Electronic Transactions, which states that everyone is prohibited from intentionally and without rights distributing and transmitting and/or electronic documents containing gambling content.(Meliniar, 2023). Yusuf Qardhawi argues that a Muslim should not use gambling as a means of entertainment or to fill leisure time, just as it is not permissible to use it as a means of livelihood under any circumstances. A Muslim does not use gambling as a way to entertain themselves and fill their free time, nor is it permissible to use it as a way to earn money for

any reason. Yusuf Qardhawi explains that any game involving gambling (betting) is forbidden, meaning games that do not exclude winning and losing. This is in accordance with Q.S. Al-Maidah verses 90-91. (Abi Hasan, 2020)

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ  
إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ  
فَعَلَّ أَنْتُمْ مُنْتَهُونَ

"O you who have believed, indeed, intoxicants, gambling, (sacrificing on) stone alters (to other than Allah), and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful. Satan only wants to cause between you animosity and hatred through intoxicants and gambling and to avert you from the remembrance of Allah and from prayer. So will you not desist?"

Gambling is an abominable act that is forbidden. In his book, Qardhawi explains that all games involving gambling are considered haram. Gambling is defined as any game that involves a gain or loss for the player. This is referred to as *maisir* in the Qur'an, mentioned alongside wine, idols, and divining arrows. (Miftaqqurromah & Rafikasari, 2021) A Muslim should not use gambling as a form of entertainment to fill their leisure time, nor should they use it as a means of earning a livelihood under any circumstances. In Yusuf Qardhawi's book "The Lawful and the Prohibited in Islam," it is explained that humans are created with a natural inclination towards various forms of entertainment and games. Therefore, Islam permits entertainment and games that align with this natural inclination. However, Islam also forbids all games and entertainment that involve gambling. In his book "Fiqh of Entertainment," Yusuf Qardhawi also outlines the criteria for permissible games in Islam: (Nasution, 2022b)

1. Games that rely on luck For Mobile Legends streamers, every player participating in tournaments or streaming on social media must strive their utmost to compete. In practice, Mobile Legends tournaments do not rely solely on luck.
2. Games that involve gambling The Mobile Legends Esports community engages in games and live streams that contain elements of gambling in their tournaments. The element of gambling can be seen from the source of donations or contributions received by the community.
3. Games that degrade human dignity, such as mocking, belittling, or insulting others in front of people
4. Games that cause harm to animals
5. Games that are considered tertiary activities Playing games or live streaming should not sacrifice more important matters and should not neglect religious obligations, such as prayer times.

Such conditions do not align with the spirit of Islam, which always encourages its followers to work with their own hands for the expected results. Al-Qardhawi also reasons that these activities foster selfishness in individuals and are a product of Western capitalism, which is based on individual interests without considering the welfare of others (Al-Qardhawi 2017). As the principle states:

جَلْبُ ا لْمَصَالِحِ وَدَرُّ ا لْمَفَاسِدِ

#### Achieving Benefit and Avoiding Harm

Fundamentally, the legal rulings on gambling, whether online or offline, are the same in Islam, as both forms of gambling carry the same harm and lack any benefit. Therefore, Islamic law strictly prohibits gambling, both online and offline. In Islamic law, the penalties for online or offline gambling are not differentiated; as long as there is an element of gambling, the basic legal ruling remains the same. Humans, as social beings, have the right to receive donations or contributions from anyone to maintain humanitarian relationships and citizenship bonds (Oni Sahroni, 2018). There should be no barriers to accepting donations if there is no element of gambling involved. Any game that involves gambling is prohibited. Gambling encompasses

anything that involves gain and loss for the player. This is referred to as *maisir* in the Qur'an, which is mentioned alongside alcohol, idols, and divining arrows. The Prophet (PBUH) said: Islam allows various forms of entertainment and games for Muslims, prohibiting any game involving gambling, which entails gain and loss. (Abi Hasan, 2020) As the Prophet (PBUH) said: "Whoever swears by Latta and Uzza, let them say 'There is no god but Allah,' and whoever calls upon their companion, 'Let us gamble,' let them give charity" (H.R Bukhari and Muslim).

Behind the prohibition of gambling, according to Qardhawi, there are several noble wisdoms and goals, which are: (Ramadhani & Syukur, 2021)

1. Islam wants every person to follow the natural laws in seeking income. One should harvest the fruits of their labor after taking several preliminary steps, entering the house through its door, and waiting for the results after the causes have been established. Gambling leads people to rely solely on luck, coincidence, and empty dreams, instead of hard work, diligence, and appreciation for effort, as commanded by Allah.
2. Islam regards human wealth as honorable, which should not be taken arbitrarily, except through lawful exchange or voluntary giving, such as gifts or charity. Taking another person's wealth through gambling is considered consuming wealth unlawfully.
3. It is not surprising that gambling stirs animosity and hatred between the players, even if outwardly they seem content. This is because there will always be a winner and a loser, the fortunate and the unfortunate, the deceiver and the deceived. When the loser remains silent, their silence harbors disappointment and resentment—disappointment from unfulfilled dreams and resentment from the loss. If hostility arises, it stems from their own doing.
4. Loss can drive the sufferer to repeat the game, hoping that the next game will compensate for the previous loss. Similarly, the thrill of victory encourages the winner to play again for more gains. Their ambition never lets them stop, although defeat will inevitably come, ending the joy of winning with the sorrow of losing. This cycle continues, binding both parties to gambling. This is the secret behind the disaster of gambling addiction.
5. Consequently, this kind of obsession is harmful to society and individuals who promote it. Gambling consumes time and effort, turning addicts into idlers who only want to take without giving, consume without producing (Yusuf Qardhawi).

Those who rely on such means assume that the instincts of goodness and elements of compassion have vanished from society, leading them to believe that there is no other way to collect funds except through gambling and indulging in forbidden entertainment. Islam firmly believes that elements of goodness still reside within humans. Therefore, Islam only uses pure means to achieve noble goals. Gambling is prohibited by Islam based on definitive evidence. In the Qur'an, gambling is described as containing *rijs*, meaning filth or impurity, and it is considered an act of Satan, as it has profoundly negative impacts on all aspects of worldly life and the hereafter. This is in line with Surah Al-Ma'idah, verses 90-91. (Alfin Nadha, 2023)

#### **IV. CONCLUSION**

Islamic teachings provide clear guidance on what is permissible and impermissible, particularly in economic activities. As Muslims, it is essential to ensure our transactions are free from elements of gambling (*maisir*), which is explicitly forbidden. Donations, being a noble act of helping others and expressing gratitude to Allah SWT, are highly valued. However, when these donations are associated with activities linked to online gambling, they become problematic. Mobile Legends tournaments, when conducted within Islamic guidelines, are generally permissible. Yet, they may cross into prohibited territory if they incorporate gambling elements. Yusuf Qardhawi's viewpoint, supported by Surah Al-Ma'idah, underscores that any game involving gambling, which involves uncertainty and betting, is haram. This viewpoint is crucial in guiding how donations from streamers involved with online gambling should be treated. To ensure compliance with Islamic law, it is recommended that streamers and tournament organizers carefully evaluate their activities and affiliations. Policies should be

established to prevent the integration of gambling elements in gaming events. By adhering to these guidelines, the integrity of both the charitable acts and the gaming community can be maintained in alignment with Islamic principles.

Islam exists to help us understand what Allah has commanded and what He has forbidden. As Muslims, we should strive to understand and comprehend the knowledge of Allah, especially in economic activities, to ensure that our transactions do not contain elements of gambling (maisir). Giving or receiving donations is a noble act aimed at helping others and expressing gratitude to Allah SWT for His blessings. However, the mixing of good deeds with acts affiliated with online gambling is prohibited and forbidden by religion. Mobile Legends tournaments organized by community members are essentially activities or hobbies that are permissible in Islam, provided they do not contradict Islamic law. However, there can be errors in their execution, turning them into haram activities if they involve elements of gambling. Yusuf Qardhawi explains that any game involving gambling (betting) is haram, as it involves gain and loss. This aligns with Surah Al-Ma'idah, verses 90-91, which state that gambling is an abominable act that is forbidden.

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