

Gambling Remains Haram Regardless of Court Decisions or State-Federal Jurisdictional Boundaries

On August 12, 2026, the Federal Court of Malaysia (the highest court) dismissed the Kedah State government's application for leave to appeal against a ruling that invalidated its action to halt the issuance and renewal of licenses for gambling premises.

A three-judge panel chaired by Justice Rhodzariah Bujang ruled that Kedah had failed to meet the threshold requirements under Section 96(a) of the Courts of Judicature Act 1964, and ordered the state government to pay RM50,000 in costs. This ruling signifies that the majority decision of the Court of Appeal, which declared Kedah's actions unconstitutional, remains in effect, even though the Federal Court itself did not examine or decide upon the substantive merits of the dispute.

This decision should not be viewed merely as a legal, administrative, or technical dispute between the State and Federal governments; it exposes a fundamental contradiction between Islam and the secular system – a system that separates Divine laws from national legislation. In Islam, gambling is Haram (forbidden) in a Qat'ie (definitive and absolute) manner, without any dispute or divergence of opinion. Allah (swt) says: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾ **"O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone altars [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful."** [Al-Ma'idah (5): 90].

However, within the framework of Malaysia's secular system, this gambling activity, which is explicitly prohibited by Islam, is licensed, regulated, and protected as a legitimate enterprise under national laws.

The existence of a room for the gambling industry to continue flourishing is fundamentally rooted in the ideology of Capitalism and the secular-democratic system born from this Kufr (disbelief) ideology. Capitalism evaluates matters based on profit, rather than the principles of halal and haram. Consequently, gambling, which is unequivocally Haram (forbidden) in Islam, becomes Halal (permissible) and is perpetually safeguarded due to the economic value generated by such activities.

As a repercussion, governments in a secular system act not only as licensors but also as managers and regulators of all forms of vice that they themselves have legalized. The government, which should ideally be the eradicator and closer of doors to all Haram matters, paradoxically becomes a "promoter" and guardian of vice for the sake of economic benefit.

The existence of courts that adjudicate based on secular laws exacerbates the situation. There is already an abundance of cases of how courts in this system uphold all the Haram matters brought to them, and this current case adds to the existing list of cases. How pathetic.

Whatever the decisions, reasons and justifications provided – whether by the courts or the government – one must realize that they will never change the absolute prohibition of gambling until the Day of Judgment. As Muslims, the Quran suffices as

our law, and cases such as this should bolster our resolve to strive toward changing and replacing this secular-democratic system with Islam, rather than continually defending it in the misguided hope that Islam will one day triumph by using this very system as a tool.

This issue should also awaken us to the reality that Divine Laws can never be implemented as long as the foundation of national legislation remains unchanged – namely the status of a constitution, bequeathed by colonial infidels, reigning as the supreme law over the Quran itself. A constitution that vests federal legislative powers far greater than state powers, including in matters of religion, not only contradicts the concept of the unity of ruling in Islam but also ensures that efforts by state governments to implement Islam can be effortlessly thwarted by the central government.

The ruling on the gambling case in Kedah is consistent with a series of preceding cases, such as the Nik Elin case regarding the Kelantan Shariah Criminal Code Enactment and the Iki Putra case in Selangor, where “Shariah” provisions were annulled on the grounds of state legislative jurisdictional limits. Regrettably, there are still many among those who profess to champion Islam who continue to place their faith in the democratic system and steadfastly defend a constitution that is clearly contravenes Islam.

This reality demands that the Muslim Ummah realize that a definitive solution will never be achieved through the courts or constitutional amendments, but rather through the complete replacement of the system, the constitution, and the laws themselves.

The prohibition of gambling need not be discussed or debated by mankind, brought before the courts, or decided by judges. Gambling is absolutely Haram because Allah (swt) has forbidden it. It is identical to the prohibition of adultery (Zina), alcohol (Khamr), usury (Riba), and the like which need not be debated. Unfortunately, within a democratic framework, all the laws of Allah (swt) are open to debate, subject to “trial,” and ultimately forced to submit to human decisions.

The Kufr system of democracy must be eradicated and replaced by an Islamic system under the aegis of the Khilafah Rashidah ala Minhaj Nubuwwah (Rightly Guided Caliphate upon the Method of the Prophethood). In Islam, sovereignty belongs absolutely to Sharie, meaning that all humanity is obligated to submit to Islamic law. The ruler is bound to implement the laws of Allah (swt) comprehensively (Kaffah) and uniformly across the whole countries, devoid of any division of power between the center and the states. Courts will serve as venues for dispute resolution grounded in the Book of Allah (swt) and the Sunnah of His Messenger (saw), and will penalize any perpetrators of forbidden acts.

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