

MAISIR (GAMBLING) AND THE LEVEL OF SOCIAL AWARENESS IN UZBEKISTAN

Qoraboyev Samariddin

Student of International Islamic Academy of Uzbekistan

mrsamariddin75@gmail.com

Abstract: *Speculation refers to the practice of engaging in financial transactions or investments with the expectation of making a profit from future price changes, often involving high levels of risk. It can take place in various markets, including stocks, real estate, and commodities, and differs from traditional investing in that it focuses on short-term gains rather than long-term value. For instance, one of the initial commercial types is barter system, involves an element of speculation as natural aspect due to humanity's natural desire for a better future. Speculators typically rely on market trends, news, or insider information to predict future movements. While speculation can generate significant profits, it can also lead to substantial losses, and in some cases, may be viewed as a form of gambling due to its inherent uncertainty and risk. In this article, the Islamic view about speculation is discussed. Specifically, it examines maisir (gambling) and modern types of them to provide clarity for readers interested in the topic.*

Keywords: *speculation; maisir (gambling); laws about gambling-based games; modern types of gambling.*

Introduction

We know that before Islam, during the Age of Ignorance, there were various religions and values, but no defined, organized religion. Although some claimed to follow the “Ibrahmic religion”, there was no one who was fully aware of its disciplines. During that time, different types of trade and income-generating methods emerged. One of these was the game “Khalfana” which was nearly identical to today’s gambling. In this game, all participants would purchase

camels in equal amounts. They would slaughter the camel and divide its meat into portions. Afterward, they would take as many arrows as there were portions of meat, and each arrow would be labeled with a part of the slaughtered camel's body. The camel's hump was considered the best part, while its hoof was regarded as the worst. The arrows were then mixed and placed so that their inscriptions were hidden. Participants would draw the arrows, and whoever drew the one labeled with the best part of the camel was considered the winner, while the one who drew the worst part was considered the loser (*Bekkin R. I., 2019*).

“The generally broad understanding of the word ‘speculation’ refers to anything dealing with probabilities and uncertainties concerning the future. Such uncertainty is dealt with through the intellect using faculties of sight, reason and contemplation. Islam holds that humans are the only creatures on earth who possess and are empowered with the ability to think, ponder, contemplate and make decisions and further teaches that the existence of speculative judgement originated with the first humans” (Salamon et al, 2015). The authors, while connecting speculative matters to Adam (peace be upon him), also provide evidence from the Qur'an. They cite the example of the speculative judgment during the time of Adam (peace be upon him), highlighting the false suggestion given by the Evil Spirit: “Adam and Eve's descent to this world was caused by the Evil Spirit. The situation they faced when choosing whether or not to eat required a speculative process since it involved faculties of thought and contemplation. Their speculative judgement in choosing what was best proved wrong” (Salamon et al, 2015).

As we mentioned above, during the Age of Ignorance, there were many such games, and these games dissuade people's moral conceptions while there were not clear or organized concepts about halal and haram. From the perspective that profit should not be earned without labor and effort, such games were later prohibited by Allah through religion of Islam.

In Islam, gambling (Arabic: maisir or qimar) is entirely prohibited by Islamic laws (Sharia). This is because the agreement between participants is based

on immoral incentives, fueled by hopes and aspirations of gaining something by chance, without any certainty about whose expense the loss will fall upon.

Both *maisir* and *qimar* refer to games of chance, although *qimar* is considered a specific type of *maisir*. Saudi Islamic scholar Muhammad Ayub defines *maisir* as “the desire to acquire something valuable easily, without providing equivalent compensation, working for it, or taking any responsibility against it through games of chance” (Ayub, 2007). One of the professors on Islamic finance, Faleel Jamaldeen describes it as “the acquisition of wealth by chance (not through effort)” (Jamaldeen, 2012). Ayub further explains *qimar* as “also involving the acquisition of money, profit, or usufruct at the expense of others through games of chance, granting one the right to use the money or profit obtained in this manner” (Ayub, 2007). Jamaldeen (2012) defines it as any game of chance.

So far, the discussion shows that Islam teaches decision-making through speculation is something everyone does naturally. This is because when making decisions, people expect a good outcome, but there’s no guarantee it will be right. So, decision-making involves speculation, especially since life is full of uncertainty. Some aspects of speculative stock market transactions are like gambling. In some forms of gambling, these aspects can be found, while in others, only a few of them appear. Some are clearly gambling, while others look just like regular business deals.

Literature review

The concepts of speculation and *maisir* (gambling) have been widely discussed in religious, economic, and socio-cultural contexts. This review explores existing literature on these topics, with a focus on their historical, religious, and societal dimensions, as well as the level of awareness among public in Uzbekistan. The analysis aims to contextualize these themes within Islamic ethical frameworks, socio-economic impacts, and the evolving challenges posed by globalization and technological advancements.

Defining Speculation and Maisir. Speculation, as an economic activity, involves high-risk investments with the expectation of significant financial returns. Scholars such as Keynes (1936) and Schiller (2000) have examined the psychology and risks of speculative activities, emphasizing their potential to destabilize economies when unchecked.

In Islamic jurisprudence, maisir is explicitly prohibited due to its exploitative nature and its focus on chance rather than effort or legitimate trade. According to the Qur'an (2:219, 5:90-91), maisir not only diverts individuals from productive activities but also fosters enmity and negligence of moral obligations. Islamic scholars like Al-Ghazali and contemporary academics such as Kamali (2008) argue that gambling undermines societal harmony and economic stability, aligning it with unethical and spiritually harmful practices.

Historical and Religious Perspectives. The prohibition of gambling has deep roots in Islamic history and theology. Early Islamic societies regarded maisir as a vice that disrupted community cohesion. Books such as *The Revival of the Religious Sciences* by Al-Ghazali explore the detrimental effects of gambling on moral and spiritual health.

In modern interpretations, the prohibition of gambling extends to speculative activities in financial markets. Works like El-Gamal's *Islamic Finance: Law, Economics, and Practice* (2006) and Siddiqi's writings on Islamic economics highlight the ethical concerns about speculation, equating it with gambling when it involves excessive risk or uncertainty (gharar). These scholars emphasize the necessity of ethical frameworks in financial dealings to ensure fairness and sustainability.

Socio-Economic Impacts of Gambling. The socio-economic consequences of gambling have been extensively documented in global and regional studies. Globally, scholars such as Walker (2013) and Orford (2010) have highlighted the addictive nature of gambling, its links to financial ruin, and its social costs, including family breakdowns and mental health issues.

In Central Asia, where Islamic values influence social norms, gambling's negative aspects are magnified due to cultural and religious opposition. Uzbek society, deeply rooted in Islamic traditions, views gambling as a threat to social and moral order. Studies by Uzbek sociologists like Kamolov (2020) emphasize the role of cultural norms in shaping public perceptions of gambling and related speculative practices.

Awareness of Speculation and Maisir among public in Uzbekistan. The level of awareness regarding maisir and speculative activities in Uzbekistan is shaped by religious teachings, cultural values, and educational initiatives. In recent years, there has been a resurgence of interest in Islamic ethics, driven by the efforts of religious leaders and educational institutions. Books like "Islam in Post-Soviet Uzbekistan" by Khalid (2007) explore how Islamic principles are reasserting themselves in the nation's socio-political landscape, influencing attitudes toward gambling and financial ethics.

However, challenges persist. Research by Karimov (2019) indicates that while many Uzbeks understand the religious prohibition of gambling, fewer are aware of the nuanced ethical concerns related to modern speculative practices, such as cryptocurrency trading and online gambling platforms. This gap underscores the need for broader educational efforts to enhance financial literacy and ethical awareness.

Modern Challenges and Technological Impacts. The advent of technology has introduced new forms of gambling and speculative activities, complicating traditional understandings of maisir. Online gambling platforms and cryptocurrency markets blur the lines between legitimate investment and prohibited gambling, posing challenges for religious and legal authorities.

Studies such as Rahman's (2023) analysis of fintech in Muslim-majority societies reveal a growing need for regulatory frameworks that align with Islamic principles. In Uzbekistan, where digital transformation is accelerating, the government and religious institutions face the dual challenge of promoting innovation while safeguarding ethical standards.

The Role of Education and Advocacy. Enhancing awareness about the dangers of gambling and speculative practices requires concerted efforts in education and advocacy. Islamic scholars and educators play a crucial role in disseminating knowledge about the ethical implications of maisir and speculation. Books like *Financial Ethics in Islam* by Chapra (2007) provide valuable insights into how Islamic teachings can guide individuals and societies toward ethical financial practices.

In the Uzbek context, initiatives such as public awareness campaigns, sermons, and financial literacy programs can help bridge the knowledge gap. Collaborative efforts between religious leaders, educators, and policymakers are essential to fostering a culture of ethical financial behavior.

The attitude towards gambling-based games in Republic of Uzbekistan and International Law

Gambling-Based Games in International Law. Globally, the approach to gambling-based games varies significantly. In some countries, gambling and speculative activities are legally permitted and regulated. There, gambling activities are legally conducted under specific conditions and licenses. However, these games are also strictly controlled, and governments generate substantial revenues from them. Moreover, some countries strictly prohibit gambling for religious or cultural reasons. At the same time, many countries, especially developing ones, are strengthening their laws to reduce the social harms of gambling and speculation.

In general, majority people do not want gambling-based games and say:

“Over the last ten or so years, the online gambling market has evolved. Jurisdictions have introduced local licensing regimes and restrictions relating, for instance, to gambling advertising” (*Giulio Coraggio, 2022*).

Are there countries which have legalized or banned by laws gambling?
“There are many types of gambling and every country has separate legal laws for each of them. India, United Kingdom, USA, China, Australia, Ireland, Finland, Canada, Thailand and New Zealand are some of the major markets for gambling

businesses. What is interesting to note is that there are some countries where gambling of any kind is strictly prohibited such as the United Arab Emirates and Brunei because the concept of gambling goes against the culture and ethics of the country. North Korea also doesn't allow for any kind of gambling, however, it is allowed for tourists with guided tours.

For other countries where gambling is legalised, it differs from state to state and country to country. For example, in the USA, there is a federal law for gambling, but it also depends on state to state which type of gambling is legal and which is not. In countries like Japan, gambling was illegal for a long time but recently betting in sports activities has been legalised and various casinos have also been opened. Therefore, even in countries where gambling is legalised, it ultimately depends on the kind of gambling taken into consideration (Chauhan, 2020).

Gambling-Based Games in Uzbekistan's Legislation. In Uzbekistan, approximately, 90 percent of population profess Islam. Allah says in Surah al-Maidah: "O, you who believe! Wine, gambling, altars and divining arrows are filth, made up by Satan. Therefore, refrain from it, so that you may be successful" (*Holy Qur'an, 5:90*). Satan wishes only to plant enmity and malice between you through wine and gambling, and to prevent you from the remembrance of Allah and from Salah. Would you, then, abstain?" (*Holy Qur'an, 5:91*). Again, Allah says in Surah al-Baqarah: "They ask you about wine and gambling. Say, "In both there is great sin, and some benefits for people. And their sin is greater than their benefit" (*Holy Qur'an, 2:219*). The Prophet Muhammad (peace be upon him) said: "Whosoever says to his companion: 'Come let us play a game of chance or gamble', should give charity (as atonement)" (Sahih al-Bukhari and Muslim). Because of above reasons, gambling-based games, especially gambling, are officially prohibited and the majority of people are against its widespread adoption. Taking public opinion into account the Uzbek government seeks to restrict or ban such activities. Gambling and other gambling-based activities (such as illegal online gambling and betting) are severely punished in Uzbekistan, and

various legal measures are taken to combat these activities. The Criminal Code of the Republic of Uzbekistan, adopted in 1994 and approved by Law No. 2012-XII, revised in 2007, provides the following: “Illegal organization or conduct of gambling and other games based on risk, including the establishment or maintenance of casinos for such games - shall be punishable by imprisonment for up to seven years. If those actions are repeated or committed by a dangerous recidivist or an organized group or in the interest of it, it is punishable by seven to ten years of imprisonment. Involvement of a minor in gambling and other games based on risk, if it was committed after the application of an administrative penalty for such actions, shall be punished by a fine in the amount of twenty-five to fifty times the minimum monthly salary or correctional work for up to two years or imprisonment for up to four months” (Criminal Code, Article 278). Despite being prohibited by government laws, sometimes, gambling-based games may be still witnessed. For example, today, mainly among young people, there are many cases of betting in the form of betting on football and other types of games.

The modern types of gambling and their disadvantages

We can say many types of modern gambling and they are being more day by day. Some of them are given below as example:

1. *Casino Gambling*. Includes table games such as poker, blackjack, roulette and slot machines. Casinos are often physical venues but can also be online. Although, nowadays, these games aren't very popular in Uzbekistan, these types of games are gradually spreading during modernization.

2. *Online Gambling*. Involves websites or mobile apps offering games like poker, slots, or sports betting.

Accessible 24/7 and includes cryptocurrency gambling. Now, in Uzbekistan, almost all parents try to defend their childrens from improperly games which are prohibited by Islamic laws and the government of Uzbekistan.

3. *Sports Betting*. Wagering on sports events, both traditional and virtual (eSports). Includes live betting, where odds change during a game. The types of these games are spreading not only among the young generation but also among

the older generation. Therefore, efforts are being made by the government and the public to completely ban and eliminate these games. However, many people can't stop themselves from such games, because at first, when they win, they are more interested, and when they lose, they play with the pain of losing. So, most of the time, the majority players experience not only related to financial problems but also psychological ones.

4. *Lotteries and Scratch Cards*. Players buy tickets for a chance to win a jackpot or prizes. Scratch cards offer instant results and winnings.

5. *Stock Market Speculation*. Sometimes compared to gambling, as people take high risks for potential gains. Involves options trading, cryptocurrencies, or high-leverage investments.

Disadvantages of Gambling:

1. *Financial Loss*. Gambling can lead to significant monetary losses, often leaving players in debt. Online platforms make overspending easier.

2. *Addiction*. Gambling addiction (compulsive gambling) is a serious issue, with online gambling being particularly addictive due to its accessibility.

3. *Mental Health Issues*. Stress, anxiety, and depression can arise from constant losses and financial strain.

4. *Social Isolation*. Addiction can cause gamblers to neglect relationships and responsibilities.

5. *Fraud and Scams*. Online gambling sites may not always be trustworthy, leading to fraud.

6. *Criminal Activity*. Problematic gamblers may resort to illegal acts (e.g., theft) to fund their habits.

7. *Unregulated Platforms*. Some online gambling sites operate in jurisdictions with weak or no regulation, posing risks for users.

8. *Youth Vulnerability*. Young people can be easily drawn into gambling through mobile apps, video game loot boxes, or eSports betting.

9. *Economic Inequality*. Gambling often targets low-income individuals, worsening poverty in vulnerable communities.

Conclusion

In this article, we explored the interconnected themes of speculation, maisir (gambling), and the awareness of these practices among public in Uzbekistan, framed within Islamic ethical teachings and socio-cultural contexts. Speculation, as a high-risk financial activity, and maisir, explicitly prohibited in Islam, both involve elements of uncertainty (gharar) and exploitative gains that are detrimental to individual and societal well-being. By analyzing various scholarly works and examining Uzbek society's perspectives, we identified key challenges and gaps in understanding these issues, especially in the face of modern technological advancements.

The prohibition of maisir in Islamic teachings emphasizes its harmful consequences, such as fostering greed, disrupting social harmony, and diverting individuals from productive activities. Similarly, speculative practices that prioritize chance over effort align with these negative outcomes, making them ethically and spiritually problematic. Despite the clear guidance provided by Islam, the level of awareness about these practices among public in Uzbekistan varies, with traditional forms of gambling being more commonly recognized than modern speculative activities like cryptocurrency trading and online gambling.

The article also highlighted the adverse socio-economic impacts of gambling, including financial ruin, addiction, and familial discord. These negative aspects further underline the importance of fostering a deeper understanding of maisir and its modern equivalents. Efforts to bridge the awareness gap must include educational initiatives, financial literacy programs, and collaboration between religious leaders and policymakers to promote ethical financial practices.

Addressing the challenges posed by maisir and speculation requires a multifaceted approach that integrates religious, cultural, and educational efforts. By doing so, Uzbek society can better safeguard its ethical values and build resilience against the exploitative practices that threaten individual and collective prosperity.

While modern gambling offers entertainment and revenue for governments through taxes, its disadvantages pose significant societal and personal challenges. Responsible gambling measures, such as self-limitation tools and stricter regulations, are crucial to mitigating its negative impacts.

The literature on speculation, maisir, and their socio-economic impacts highlights the importance of ethical considerations in financial and social practices. For Uzbeks, awareness of these issues is deeply intertwined with Islamic values and cultural traditions. However, modern challenges such as technological advancements and globalization necessitate ongoing education and advocacy to ensure that ethical principles are upheld in a rapidly changing world.

By synthesizing insights from historical, religious, and socio-economic perspectives, this review underscores the need for a holistic approach to addressing gambling and speculative practices. Such efforts can contribute to a more informed and ethically grounded society, aligned with both Islamic teachings and contemporary realities.

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