



THE ONLINE GAMBLING AS A CRIMINAL OFFENSE WHICH DISTURBS SOCIETY ON LEGAL PERSPECTIVE

Rr Dijan Widijowati

Universitas Dirgantara Marsekal Suryadarma, Jakarta, Indonesia. E-mail: dijan.widijowati@unsurya.ac.id

Rowela Cartin Pecson

University of Mindanao, Mindanao, Philippines. E-mail: rowela_cartin@umindanao.edu.ph

Kristiawanto

Universitas Jayabaya, Jakarta, Indonesia. E-mail: kristiawanto2019@gmail.com

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ABSTRACT

Online gambling has become a global phenomenon that has gained increasing attention in recent years. Advances in technology and easy access to the internet have allowed individuals to engage in gambling activities without being bound by geographical boundaries. However, these developments have also brought significant negative impacts, including complex legal issues associated with online gambling. This study seeks to provide an in-depth assessment of Indonesia's affirmative law regarding online gambling as a criminal offense. The research methodology used is the normative legal research method, with data collection carried out through a literature review. The main focus of this study is to analyze the legal aspects related to online gambling in Indonesia. The research findings indicate that Indonesian positive law has strictly regulated gambling and tends to prohibit it. However, online gambling presents unique challenges for law enforcement, especially due to its cross-border and difficult-to-track nature. This study provides a deeper understanding of the legal challenges facing Indonesia in addressing online gambling as a criminal offense, the need for stronger international cooperation in addressing illegal online gambling, as well as better tools and more effective law enforcement policies. Finally, the criminalizing online gambling is to provide legal sanctions to perpetrators, prevent the spread of gambling, protect society from its negative impacts, and uphold moral values and prevailing social norms. This criminalization also aims to provide a deterrent effect for perpetrators and prevent others from getting involved in online gambling.

1. Introduction

Progress in science and technology has significantly impacted various aspects of life, including the development of modes of crime. Crime is no longer limited to

the real world but has also spread to the virtual world, often called cybercrime.¹ This cybercrime includes various types of illegal activities carried out over the internet, such as hacking, online fraud, identity theft, and many more. part from that, advances in science and technology also influence how people think, behave and act. For example, communications technology and social media changes have influenced how people interact and communicate. It also influences the way society views and evaluates various behaviors. Perceptions and assessments regarding an action can now differ from before technological advances.²

This change also influences people's legal awareness regarding the assessment of behavior. In a legal context, society will be more sensitive to actions that violate applicable norms and regulations, especially in the Internet sphere.³ They can consider an action appropriate if it is under law and ethics, or conversely, if the action is considered a threat to public order, society will support legal action against the perpetrator.⁴ Advances in science and technology have created new dynamics in society regarding legal awareness and behavior assessment. Governments and legal institutions must continue monitoring technological developments and adapting legal regulations to overcome emerging challenges in cyberspace and maintain public order. Besides that, legal education and awareness in society also need to be increased so that individuals can understand the legal consequences of their actions in this modern technological era.⁵

This phenomenon has not only led to an increase in gambling activities but has also triggered a rise in related social problems, including addiction, financial ruin, and family breakdown.⁶ According to a study by Ladouceur, unchecked online gambling can lead to significant social harm, including crime escalation, especially when individuals in debt resort to illegal activities such as theft, fraud, or even organized crime to fund their gambling habits. This underscores the need for effective legal frameworks to address the challenges posed by online gambling.⁷ The practice of gambling has deep historical roots in various cultures and societies. Even in certain indigenous communities, gambling is considered an ancestral tradition passed down from generation to generation. Gambling in this context is often intertwined with traditional ceremonies, rituals

1 Bun, M. J. G., Kelaher, R., Sarafidis, V., & Weatherburn, D., Crime, Deterrence And Punishment Revisited. *Empirical Economics*, 59, 2020, page.2303-2333.

2 Lanza, J., *Cybercrime: How to Stay Safe from Online Fraud and Identity Theft*. Communication Dynamics Publishing. 2017

3 Desriwaty, S., Pertanggungjawaban Pidana terhadap Pelaku Promosi Judi Online yang dilakukan melalui Media Sosial ditinjau dari Perspektif Hukum Pidana, 2023

4 Broadhurst, R., & Chang, L. Y. C., Cybercrime in Asia: Trends and Challenges. In B. Heberton, S. Y. Shou, & J. Liu (Eds.), *Asian Handbook of Criminology*: Springer. 2013. page 49–64..

5 Wall, D. S., *Cybercrime: The Transformation of Crime in the Information Age*. Polity Press. 2007

6 Adam., Peningkatan Tindak Pidana Judi Online di Indonesia. *Journal of Law, Education and Business*, Vol.2 No.1), 2024, page.75-78.

7 Ladouceur, R., Shaffer, P., Blaszczynski, A., & Shaffer, H. J., Responsible gambling: a synthesis of the empirical evidence. *Addiction Research & Theory*, Vol.25 No.3, 2016, page.225–235.

or other social events. Even though it is considered part of culture and tradition, gambling has more complex aspects that need to be taken into account.⁸

However, gambling has also been classified as a social illness since it violates the values and standards that exist in society. Gambling practices often involve high financial risks and, when poorly regulated, can cause significant negative impacts on individuals and society as a whole. A person's inability to control gambling urges can lead to addiction, which in turn can lead to financial problems, family breakdown, and even crime.⁹ Therefore, it is important to understand that although gambling can be recognized as part of the history and culture of a society, this understanding must align with changing values and norms that develop over time.¹⁰ Especially in a modern society that is increasingly connected through technology and information, gambling has significant social, economic, and welfare repercussions. Addressing the social pathologies associated with gambling requires a careful approach, both in legal regulation and in public awareness of the risks and consequences of uncontrolled gambling.¹¹

As the number of gambling sites on the internet grows, law enforcement faces significant challenges due to the ease of access and the anonymity provided by these platforms. The convenience offered by gambling websites, including online payment options, makes tracking these activities more complicated.¹² This issue is further exacerbated by cross-border jurisdictional concerns, as gambling operators and players are often located in different countries.¹³ With the expanding number of gambling sites on the internet and the ease of access and transactions through electronic banking, law enforcement officials face significant challenges in investigating and supervising online gambling activities.¹⁴ The convenience these gambling sites offer, including various online payment options, makes them difficult to track. It means that many online gamblers can relatively easily operate undetected. The attraction of online gambling is increasing along with the various conveniences offered. Many people are interested in trying their luck to make big profits. However, without realizing it, gambling can cause various social problems and addiction. Some

8 Yanicki, G. M., *Traditional Indigenous Forms of Gambling and Games*. Kanada: University of Lethbridge, 2017

9 Nono, I. Y., Dewi, A. A. S. L., & Seputra, I. P. G. (). Pertanggungjawaban Penegakan Hukum Terhadap Selebgram yang Mempromosikan Situs Judi Online. *Jurnal Analogi Hukum*. Vol.3 No.2, 2021, page.235-239.

10 Fiedor D, Charvát M, Kovařík F, Frajer J, Aigelová E, Šerý M., Perceived Riskiness and Problem Gambling Across Different Forms of Gambling: A Focus on 'Soft' Gambling. *Jurnal Gambling Studies*. Vol.41 No.2, Jun 2025, page.821-839.

11 Delfabbro, P., & King, D., The evolution of young gambling studies: digital convergence of gaming, gambling and cryptocurrency technologies. *International Gambling Studies*, Vol.23 No.3, 2023, page.491–504.

12 Iswahyudi, F. I., Law Enforcement Against Criminal Acts of Online Gaming In the City of Surabaya. *YURISDIKSI: Jurnal Wacana Hukum Dan Sains*, Vol.18 No.1, 2022, page.30-41.

13 Wall, D. S., *Cybercrime: The Transformation of Crime in the Information Age*. Polity Press. 2007

14 Bantu, S., Franciska, W., & Mau, H. A., Criminal Liability of Online Gambling Perpetrators in Indonesia According to the Electronic Information and Transactions Law, *Jurnal Impresi Indonesia*, Vol.3 No.9, 2024, page.743-757.

individuals who engage in online gambling tend to get too involved and may neglect their obligations and responsibilities in everyday life and society.¹⁵

Previous research on online gambling conducted by Apolos Igomu et al. stated that stronger policies in regulating internet access and online gambling, as well as a more holistic approach to education involving various stakeholders.¹⁶ Furthermore, Michela Ghelfi's research strengthens that prevention programs aimed at offline and online gamblers, which can be aimed at strengthening or increasing protective factors and limiting and reducing risk factors, characteristics that are more associated with online and non-problematic gambling, that although most of the risk and protection factors are the same between online and offline gamblers, there are some variables that are not the same. These factors can be important to consider in project prevention interventions aimed at targeted online gamblers and problematic online gamblers.¹⁷ while Dhea Astri Arifina's research states that prevention and treatment efforts should include socialization, counseling, rehabilitation, and providing social support to help affected families recover. It is important to encourage multidisciplinary collaboration involving government agencies, academics, counselors, and community/religious leaders to raise awareness of the dangers of online gambling and how to overcome them. Furthermore, further research is needed to explore the effectiveness of various rehabilitation approaches for online gambling addicts.¹⁸

Many factors cause a disparity in decisions,¹⁹ from a legal perspective, many jurisdictions worldwide classify online gambling as a criminal offense due to its significant potential to disturb society (or disrupt social order) and cause social harm. The legal framework is often based on the consideration that gambling, when unregulated or illegal, can become a gateway for organized crime, money laundering, and fraud. The inherent anonymity and cross-border transactions of the internet complicate national law enforcement, creating what are often referred to as jurisdictional challenges.²⁰ Research in cyber law frequently highlights how illegal operators exploit legal loopholes between countries to

15 Holt, T., Bossler, A., & Seigfried-Spellar, K., *Cybercrime and digital forensics: An Introduction*. Routledge. 2nd Edition, London, 2022

16 Igomu, A., Mulyono, A., Bonggoibo, A, A., *Online Gambling: A Tantalizing Game with Risks that Drain Fortunes and Futures*, *Sinergi International Journal of Law*, Vol.2 No.3, 2024, page.261-273

17 Ghelfi, M., Scattola, P., Giudici, G. et al., *Online Gambling: A Systematic Review of Risk and Protective Factors in the Adult Population*. *Journal Gambling Studies*, Vol.40, 2024, page.673–699.

18 Dhea Astri Arifina, Yusnadi, Muhammad Takwin Machmud, *The Effect of Online Gambling Addiction (Slot) on Family Harmony: A Case Study of Family Leaders in Bunga Tanjung Village*. *International Journal of Educational Practice and Policy*, Vol.2 No.1, 2024, page.13-19.

19 Winjaya Laksana, A., Musofiana, I., Sulchan, A., Osman, A. K., & Sanni, T., *The Disparities in Punishment for Narcotic Addiction: Does it Reflect the Value of Justice?* *Jurnal Media Hukum*, Vol.32 No.1, 2025, page. 134–150.

20 Juliani, R. K., Satria, M., Raharja, R. M., & Legiani, W. H., *Fenomena Judi Online di Kalangan Generasi Muda*, *Khatulistiwa: Jurnal Pendidikan Dan Sosial Humaniora*, Vol.4 No.2, 2024, page.113-122.

evade enforcement.²¹ The concept of "disturbing society" in the legal context of online gambling extends beyond individual financial losses to encompass broader impacts. International legal and criminological literature often highlights how compulsive gambling can lead to increased crime rates (e.g., theft or embezzlement to fund gambling habits),²² the breakdown of family relationships, mental health issues, decreased work productivity, and a burden on the social welfare system. Empirical studies often show a correlation between the availability of gambling (including online) and an increase in such social problems.²³

The research objectives include, among others, to understand the phenomenon of online gambling in Indonesia, to know the laws and regulations related to online gambling in Indonesia and law enforcement against online gambling in Indonesia. Especially for those who experience defeat at gambling, the curiosity to try again often arises.²⁴ That can result in the accumulation of debt and poverty, which can trigger increased crime rates. Offenders caught in a gambling spiral often try to find ways to fund their habit, even if it means committing illegal acts. Overall, both directly and indirectly, online gambling can have detrimental negative impacts on the lives of individuals and society more broadly. Therefore, it is important to continuously monitor and address the challenges associated with online gambling and be aware of the risks to protect society from the negative impacts of uncontrolled gambling.²⁵

2. Research Methods

This research adopts normative juridical research methods, which refer to classical approaches commonly used in legal research. This method allows researchers to conduct an in-depth analysis of statutory regulations and legal documents related to a specific purpose, such as online gambling as a crime under Indonesia's positive legal framework. This normative juridical approach focuses on understanding, interpreting and evaluating existing legal norms to provide deeper insight into the studied problem. The approach used in this research is a statutory approach and a conceptual approach. In this research, the legal material collection technique used is library research techniques. The method used in processing and analyzing legal materials used in this research is legal interpretation analysis, namely by interpreting the contents of related laws and regulations and grammatical interpretation analysis.²⁶

21 Khadka, K., Ullah, A.B. Human Factors in Cybersecurity: An Interdisciplinary Review And Framework Proposal. *International Journal Information Security*. Vol.24 No.119, 2025

22 Romli Atmasasmita, *Teori dan Kapita Selekta Kriminologi*. PT Refika Aditama, Depok, 2005, page.54

23 Marchica, L. A., Richard, J., Nower, L., Ivoska, W., & Derevensky, J. L., Problem Video Gaming in Adolescents: An Examination of the Pathways Model. *International Gambling Studies*, Vol.22 No.2, 2022, page.282–299.

24 Fadhli, M., Penegakan Hukum Terhadap Tindak Pidana Perjudian Online, *Indragiri Law Review*, Vol.2 No.2, 2024, page.68–73.

25 Rahmadhani, H., Fauzi, M., & Tiga, A.M., Law Enforcement in Eradicating Online Gambling Sites in Indonesia, *Lex Suprema Journal*, Vol.2 No.2, 2022, page.66-81

26 Efendi, J., & Ibrahim, J., *Metode Penelitian Hukum: Normatif dan Empiris*. Prenada Media, Depok, 2018, page.75

Applying the normative juridical lens to online gambling reveals the inherent complexities of adapting legal frameworks designed for traditional, physical-world activities to the unique characteristics of the digital realm. This necessitates a careful and often interpretive application of existing statutes to the novel phenomenon of online gambling.²⁷ The process often involves stretching the boundaries of established legal concepts to encompass online behaviors and activities. This interpretive work highlights a critical tension between the need for legal certainty, which demands clear and specific laws, and the rapidly evolving nature of online technologies and activities, which can quickly render existing laws outdated or ambiguous. The normative juridical analysis, therefore, not only describes the current legal landscape but also identifies areas of potential inadequacy or inconsistency in addressing online gambling as a criminal act.²⁸

3. Results and Discussion

3.1. The Phenomenon of Online Gambling in Indonesia

Online gambling offers many games, including sports betting, online casinos, poker, and more. Gamblers choose games that suit their interests and knowledge. After determining the game choice, they make a bet of a certain amount, and the outcome will be determined by the outcome of the match or games they choose. If the team or side they support wins the match or game, they are entitled to win everything that has been bet, including the winnings on their bet. However, if the results match the predictions or bet they placed, they will retain the amount they bet. The phenomenon of online gambling in Indonesia has become a significant social and legal issue, as it not only challenges the effectiveness of existing laws but also disrupts the social fabric of society. With the increasing accessibility of online gambling platforms, particularly among youth and vulnerable individuals, the government faces substantial obstacles in enforcing regulations aimed at eradicating this practice. Despite the existence of legislative frameworks, the digital nature of online gambling presents unique challenges in monitoring and prosecuting offenders, thereby exacerbating the problem of gambling addiction and its social consequences.²⁹

According to Fahrissal et al. (2023), the phenomenon of online gambling in Indonesia has become a significant concern, as it not only challenges the effectiveness of existing laws but also disrupts the social fabric of society. The increasing accessibility of online gambling platforms, particularly among youth and vulnerable individuals, has led to substantial obstacles in enforcing regulations aimed at eradicating this practice. Despite the existence of

27 Muktar, Bawole, H. Y. A., & Palilingan, T. K. R., Tinjauan Yuridis terhadap Perjudian pada Aplikasi Higgs Domino Island dalam Jaringan Internet, *Lex Crimen*, Vol.13 No.4, Juli 2024, page.14

28 Arisetyanto, W. A., Law Enforcement Efforts by the Police in Eradicating Online Gambling Crime, *Ratio Legis Journal*, Vol.2 No.1, 2023, page.299-307.

29 Ahyani, H., Harahap, A. M., Solehudin, E., Adnan, N. I. M., Mutmainah, N., Siripipatthanakul, S., Lousada, S. A. N., Putra, H. M., & Novita, D., Effectiveness of Law Enforcement Against Online Gambling Practices in Indonesia in Supporting the Achievement of SDGs. *Journal of Lifestyle and SDGs Review*, Vol.5 No.1, 2025, page.1-22

legislative frameworks, the digital nature of online gambling presents unique challenges in monitoring and prosecuting offenders, thereby exacerbating the problem of gambling addiction and its social consequences.³⁰ According to Dewi 2019, online gambling refers to a form of gambling that uses the Internet as the main medium for placing bets. In this type of gambling, gamblers must agree on the game's rules and what they will bet on, whether it is real money or valuables. These gaming conditions may vary depending on the site or online gambling platform they use.³¹ Online gambling has become a global phenomenon that has gained increasing attention in recent years. The ease of access via the internet and the wide variety of games have made it an entertainment choice for many people. However, it is important to remember that gambling also involves high financial risks, and the inability to control gambling urges can potentially harm individuals economically and socially. Therefore, proper regulation and understanding of online gambling is essential to protect society from its negative impacts.

Agief defines online gambling as gambling that uses the internet network in the course of the game. Online gambling has become integral to modern society, especially in this digital era.³² This phenomenon is no longer strange or isolated but has permeated various levels of society, a trend significantly facilitated by the fact that individuals often have easy access to the internet world. Research consistently shows that the proliferation of high-speed internet and mobile technology has dramatically lowered the barriers to entry for gambling, making it accessible from virtually anywhere at any time.³³ It also can be seen from the popularity of online gambling sites in various circles. For some people, engaging in online gambling may be seen as a quick way to make extra money or seek the thrill of winning. The expectation of winnings and additional income often fuels the urge to participate in online gambling.³⁴

Online gambling has become a form of entertainment that promises financial winnings. This perception is actively cultivated through sophisticated marketing strategies employed by online gambling operators, often highlighting potential large payout.³⁵ This contributes significantly to the popularity of online gambling sites in various circles. Studies investigating the motivations behind online gambling participation frequently identify financial gain – the hope of

30 Muhammad Nur Karim Al Ismariy, Luthfi Eka Wispriyanti, Ridho Sa'dillah Ahmad.,. Examining the Application of Dignified Justice Theory in Indonesia's Online Gambling Law Enforcement, *Damhil Law Journal*, Vol.4 No.2, 2024, page. 44-160.

31 Dewi, B., Online Gambling Formulation Policy in Indonesian Law, *Vyavahara Duta*, Vol.14 No.1, 2019, page.65

32 Agif Septia Meswari, & Matnur Ritonga., Dampak Dari Judi Online Terhadap Masa Depan Pemuda, Desa Air Buluh Kec.Ipuh Kab.Mukomuko Provinsi Bengkulu, *Jurnal Cakrawala Ilmiah*, Vol.2 No.5, 2023, page.2097–2102.

33 Griffiths, M. D., Parke, A., Wood, R., & Parke, J., Internet Gambling: An Overview of Psychosocial Impacts. *UNLV Gaming Research & Review Journal*, Vol.10 No.1, 2006.

34 Simamora, A., & Manullang, H., Criminal Liability Of Online Gamblers On The Invincible Elephant Platform: Study of Decision No. 1681/Pid. Sus/2024/PN MDN. *YURIS: Journal of Court and Justice*, Vol.12 No.23, 2025

35 Monaghan S, Blaszczyński A. Impact Of Mode Of Display And Message Content Of Responsible Gambling Signs For Electronic Gaming Machines On Regular Gamblers. *Journal Gambling Studies*. Vol.26 No.1, March 2010, page.67-88.

winning money or supplementing income – as a primary driver.³⁶ The expectation of winnings and additional income often fuels the urge to participate in online gambling. Research in the psychology of gambling highlights that beliefs about winning, even if irrational or influenced by cognitive biases such as the gambler's fallacy or the illusion of control, play a critical role in initiating and maintaining gambling behavior³⁷

However, it is important to note that gambling, whether conducted online or offline, involves high financial risks. Success in gambling cannot always be guaranteed; losing in games is also part of the process. For society, being trapped in an online gambling cycle can have detrimental impacts, such as interference with performance, work ethic, financial problems, and other social problems.³⁸ Online gambling is a social activity that involves a certain amount of money or valuable assets. In this gambling, the participant who wins the game will receive a certain amount of money or property from the party who lost the bet. The risks taken in this gambling depend on events that will occur in the future, and the outcome is completely determined by chance and luck, such as the outcome of a match or game round.³⁹ It should be emphasized that engaging in gambling is not an obligation or necessity. Individuals have the choice to participate in gambling or not. The decision to engage in gambling must be accompanied by an understanding of the risks involved and a readiness to face the possibility of losing. In addition, it is important to have self-control and limits in gambling so that the risk of addiction and financial loss can be avoided. The risks taken in this gambling depend on future events, and factors of chance and luck determine the outcome. Engaging in gambling is not a necessity, and losses and losses can be avoided by not taking part in gambling.⁴⁰

Gambling activities involve betting a particular amount of money or property in a game that depends on the chance of winning more than what was originally wagered. The basic principle of gambling is risk and reward, where players gamble in the hope of gaining financial gain. Online gambling has similarities with other types of gambling because it involves elements of winning and losing as well as bets at stake.⁴¹ What is different is the internet network as the main medium, which allows players to gamble online without having to come to a

36 Boldero, J. M., Bell, R. C., & Moore, S. M., Do Gambling Activity Patterns Predict Gambling Problems? A Latent Class Analysis of Gambling Forms Among Australian Youth. *International Gambling Studies*, Vol.10 No.2, 2010, page.151–163

37 Cunningham, J. A., Hodgins, D. C., & Toneatto, T., Relating Severity Of Gambling To Cognitive Distortions in a Representative Sample of Problem Gamblers. *Journal of Gambling Issues*, Vol.29, page.1–6.

38 Fadillah, D. F., Dampak Fenomena Judi Online terhadap Melemahnya Nilai-nilai Sosial pada Remaja. *Jurnal Pendidikan Sosial*, Vol.5 No.2, 2024, page.159–170.

39 Akbar, G. G., Ulumudin, A., Kania, I., & Nurlawati, N., Policy brief: Tackling the social, economic, and legal impacts of online gambling in Indonesia, *Journal of Humanities, Social Sciences and Business*, Vol.3 No.4, 2024, page.1017.

40 Billah, M. A., Sofiah, D., & Arifiana, I. Y., The Relationship Between Religiosity and Self-Control with Online Gambling Addiction in Online Gamblers. *Journal of Scientific Research, Education, and Technology (JSRET)*, Vol.4 No.1, 2025, page.279–288.

41 Wood, R. T., & Williams, R. J., Problem Gambling on The Internet: Implications for Internet Gambling Policy in North America. *New Media & Society*, Vol.9 No.3, 2007, page.520-542.

physical place such as a casino or conventional gambling place. Access to gambling games has become easier and more comfortable with the internet.⁴² Online gambling also relies on gambling sites or websites provided by online gambling service providers. These gambling sites can be accessed via cyberspace and offer various games, such as sports betting, casino games, poker, et cetera.⁴³ Some examples of well-known online gambling sites include Dewapoker.com, Bookie7.com, Betme88.com, Winning365.com, and many more. Ease of access and a wide choice of games have made online gambling increasingly popular among the public. However, it is important to remember that gambling, whether conducted online or offline, has associated risks. Gambling mistakes can result in financial losses and other problems.⁴⁴

The growth of the online gambling industry is a phenomenon that has occurred over the last few years and involves rapid developments in various aspects of gambling conducted online. This phenomenon involves a huge increase in the number of online gaming sites, the number of players involved, and the number of bets placed online, all of which have fundamentally changed the global gambling landscape. This growth also involves technological evolution, changes in consumer preferences, and significant social, economic, and legal impacts. In other words, the online gambling industry has been one of the major forces in changing the way people gamble, interact with games of chance, and participate in gambling activities as a whole.⁴⁵

Gambling in Indonesian society has a wide presence and can be found in various levels of society. The forms of gambling vary, from traditional ones such as dice gambling, cockfighting, and games of skill to those that use advanced technology such as gambling via mobile phone with an internet connection or what is better known as online gambling. In Indonesian society, gambling is not limited to one game or method. On the contrary, gambling has various forms and methods of implementation that have become part of society's gaming and entertainment culture.⁴⁶ Some forms of traditional gambling, such as dice or cockfighting, often occur within the context of local culture or specific customs, while online gambling is the result of advances in information technology and easy access to the internet. This rapid growth in the popularity of online gambling is also reflected in the rapid increase in the volume of betting and financial transactions associated with this industry. Not just a form of entertainment, many individuals see online gambling as an opportunity to gain significant financial gain. These conditions have created a highly competitive environment among online gambling providers, who are vying to attract players

42 Hing N, Breen H., Profiling Lady Luck: An Empirical Study of Gambling and Problem Gambling Amongst Female Club Members. *Journals Gambling Studies*. Vol. 17 No. 1, page.47-69.

43 Holdsworth, L., Nuske, E., Tiyyce, M. *et al.* Impacts Of Gambling Problems On Partners: Partners' Interpretations. *Asian J of Gambling Issues and Public Health*, Vol.3 No.11, 2013

44 Fernando, H., Trend and Online Gambling Risk: An Emerging Criminality Problem Against Youth. *Journal of Sharia and Legal Science*, Vol.2 No.1, 2024, page.15-30.

45 Sulingo, E., Ismail, D.K., & Swarianata, V., Analisis Modus Operandi Kejahatan Perjudian Online, *Jaksa : Jurnal Kajian Ilmu Hukum Dan Politik*, Vol.1 No.3, 2023, page.14-21.

46 Fathor, K. A., Gani, F. P., & Saleh, M. Z., Fenomena Iklan Judi Online pada Platform Digital Generasi Z di Indonesia. *OPTIMAL: Jurnal Ekonomi Dan Manajemen*, Vol.4 No.1, 2024

with a variety of attractive offers and incentives.⁴⁷

Gambling, in its various forms, has a significant social and economic impact on society. For some people, gambling can be a fun pastime, while for others, it can be a serious problem that impacts their well-being. Therefore, the government and society need to understand and manage the impact of gambling wisely and develop appropriate regulations to address gambling-related problems. In general, overcoming gambling problems is difficult because various factors, including complex developments in society, influence it.⁴⁸ Therefore, cooperation between the community and law enforcement officials is needed to overcome this problem. The response process also takes a long time and costs a lot of money.

The social impact of gambling can vary greatly, depending on the individuals and communities involved. For some people, gambling is a good kind of amusement that can enhance social interaction, provide an opportunity to relax, and even support charitable causes.⁴⁹ However, there are also negative impacts that are often overlooked. One of these is the problem of gambling addiction, where individuals become ensnared in a detrimental cycle of gambling, wasting a lot of time and money and neglecting their other social and financial responsibilities. Gambling addiction can damage personal relationships, cause serious financial problems, and even increase the risk of mental health problems. On the economic side, the gambling industry can have a significant impact. In many countries, gambling is an important source of revenue for governments through taxes and direct contributions from casinos and other gambling service providers. That can benefit local economies by creating jobs and generating additional infrastructure and community services revenue. However, there are also economic costs associated with gambling, particularly in terms of financing health care and rehabilitation for individuals negatively impacted by gambling. These costs may increase as problem gambling increases in society.

Effective gambling regulation is essential to address these significant social and economic impacts. Regulations must be designed to protect players, prevent fraud and minimize negative impacts. That includes strict oversight of the gambling industry, strict law enforcement against illegal practices, and warnings and assistance for individuals at risk of gambling addiction. However, over-regulation can also hinder industry growth and create a black market, so there needs to be a proper balance in developing effective gambling regulations. Additionally, society needs to raise awareness about the impacts of gambling and provide better education about the associated risks. Prevention programs administered by non-profit organizations, support for families affected by gambling, and easily accessible counseling services are important steps in

47 Febrianti, sulistiyani, Kusumo, D. noto, & Rizky Ramadhan, M., Maraknya Judi Online di Kalangan Masyarakat Kota maupun Desa. *Perspektif*, Vol.2 No.3, 2023

48 Hutasoit, H.N.H., & Swardhana, G.M., Efforts to Overcome Online Gambling Crimes in the Legal Area of the Denpasar Police, *Kertha Wicara: Journal of Legal Studies*, Vol.8 No.1, 2019, page. 1-15

49 Soligo, M., Playing with Heritage Gambling and Venice's. *The Casino, Card and Betting Game Reader: Communities, Cultures and Play*, 2021, page.259.

helping individuals and families affected by the detrimental effects of gambling.

One of the significant issues in dealing with gambling is that the penalties are sometimes regarded low by the culprits. Criminal disparity can lead to dissatisfaction among convicts and society as a whole. This may give rise to social envy and negative perceptions of judicial institutions.⁵⁰ It can result in the perpetrator being unaware of his actions and the potential to continue gambling activities that harm himself or others. Additionally, illegal gambling organizers also sometimes escape legal sanctions, complicating efforts to stop illegal gambling practices. To address this problem effectively, a thorough evaluation of the effectiveness of sanctions given to gambling perpetrators is needed. In addition, further efforts are needed to increase public awareness of the dangers of gambling and its negative impacts. Serious consideration needs to be given to imposing stricter sanctions on gambling bookies, it can create a deterrent effect and disrupt the chain of gambling at its origin. These steps must be taken to safeguard people's well-being and protect them from the negative impacts of gambling.⁵¹

In the context of tackling gambling, it is important to understand that gambling can be a serious problem that impacts individuals, families and society as a whole.⁵² In many cases, gambling is not only financially detrimental but can also lead to damaging psychological and social consequences. Therefore, the government and related institutions need an effective strategy in dealing with gambling, especially by exploring the root of the problem and understanding its complexity. One of the main problems that must be faced in dealing with gambling is sanctions, which often do not provide a sufficient deterrent effect on gambling perpetrators. In many cases, gambling offenders are only subject to fines or mild administrative sanctions, which are not enough to stop their gambling habits. Some offenders may view these sanctions as an acceptable cost to continue their gambling activities. Therefore, a detailed examination of the effectiveness of punishments must be carried out. It also includes strengthening and enforcing sanctions, such as prison sentences or harsher financial penalties. In addition, it is necessary to consider rehabilitation approaches for affected gambling offenders. In some cases, individuals who are involved in gambling may have addiction problems or psychological problems that need to be addressed. Therefore, efforts to provide support and rehabilitation services to them are also important to help them break out of the destructive gambling cycle.

50 Winjaya Laksana, A., Budi Susilo, A., Rinda Listyawati, P., Widiyoko, S., & Triyanto, T., Legal Uncertainty in Law Enforcement for Drug Addicts Resulting in Criminal Disparity. *Yuridika*, Vol.40, No.2, 2025, page.253–270.

51 Sari, P., Amrullah, M. A., Setyawan, E., & Yanuarto, T., The Application of Criminal Sanctions to Law Enforcement Officers Involved in Online Gambling, from the Perspective of Legal Positivism: Penerapan Sanksi Pidana Pelaku Judi Online yang Dilakukan oleh Oknum Kepolisian dalam Perspektif Positivisme Hukum. *Indonesian Journal of Innovation Studies*, Vol.24, 2023

52 Zurohman, A., Astuti, T.M.P., & Sanjoto, T.B., The Impact of the Online Gambling Phenomenon on Weakening Social Values in Adolescents (Study at Campusnet Data Media Sadewa Branch, Semarang City), *Journal of Educational Social Studies*, Vol.5 No.2, 2016, page.156-162

Apart from the issue of sanctions against gambling perpetrators, it is also important to tighten supervision of gambling bookies. Bookies or organizers of illegal gambling often operate under the radar, running their operations without a license and undetected by authorities. It has created a disorganized and potentially detrimental environment for players. Therefore, stricter law enforcement against illegal gambling bookies needs to be a priority. That includes raids and more serious legal action against those involved in these illegal activities. In many countries, including Indonesia, illegal gambling operators, also known as bookies, represent one of the most significant threats to both the gambling industry and public safety.⁵³ These operators often evade detection by authorities, operating without proper licenses and using digital platforms to carry out their activities anonymously. This unregulated environment is problematic because it not only promotes irresponsible gambling but also exposes individuals to unfair practices, such as game rigging, fraud, and financial exploitation. Unlike licensed gambling establishments that may be subject to strict regulations and consumer protection laws, illegal gambling bookies offer no such safeguards. This lack of oversight increases the vulnerability of players, who are often unaware of the risks associated with engaging in illegal gambling activities.⁵⁴

When it comes to raising public awareness of the dangers of gambling, education and social campaigns are key. People need to understand the risks of gambling, especially for those who tend to be vulnerable to gambling problems. Public campaigns organized by governments or non-profit organizations can help convey messages about the dangers of gambling and warning signs to the wider public.⁵⁵ Additionally, education about financial management and strategies for avoiding problem gambling can be an important part of these efforts. It is important to adopt a holistic approach to tackling gambling. That involves collaboration between various institutions and organizations, including governments, social welfare agencies, educational institutions, and civil society groups.⁵⁶ With strong collaboration, various parties can work together to identify, prevent and treat problem gambling more effectively. In order to achieve better results in combating gambling, it is necessary to continuously evaluate existing policies and programs. Regularly updated data and statistics can help governments and related agencies understand changing trends in gambling and adjust their strategies accordingly. In addition, active community participation in combating gambling is very important. Involving the public in

53 Kurniawan, Y., Siregar, T., & Hidayani, S., Law Enforcement by Polri Against The Performers Online Gambling Crime (Study On North Sumatra Regional Police), *ARBITER: Jurnal Ilmiah Magister Hukum*, Vol.5 No.1, 2023, page.85-96.

54 Indra, I. M., Japari, A., Novika, F., Septivani, C. N., Rosmayanti, M., Karina, E., & Chalista, B., The Phenomenon Of Online Gambling Under The Guise Of Online Games Among The Younger Generation. *International Journal of Multidisciplinary Research and Literature*, Vol.4 No.1, 2025, page.53–69.

55 Ngalesoni, O., Mwakifwamba, G., & Pandisha, H., Public awareness campaigns and their impact on youth gambling in Tanzania: A case study of Gallapo Ward in Manyara Region, *International Journal of Social Work*, Vol.11 No.1, 2024, page.97–111.

56 Johnstone P, Regan M., Gambling Harm Is Everybody's Business: A Public Health Approach And Call To Action. *Public Health*. Vol.184, 2024, page.63-66.

developing solutions and providing space for complaints and suggestions can help build broader support for counter-gambling efforts.⁵⁷

In conclusion, tackling gambling is a complex challenge and requires a comprehensive approach. Effective sanctions, rehabilitation approaches, monitoring of illegal dealers, public awareness campaigns, and cooperation between various parties are key elements in efforts to overcome problem gambling. With concerted efforts and a commitment to protecting society from the negative impacts of gambling, we can achieve positive change in the way society relates to gambling activities.

3.2. Legislation regarding Online Gambling in Indonesia

One of the bad consequences of the internet is online gambling, while formerly people exclusively played gambling games in more traditional settings. Gambling has been a societal phenomenon for thousands of years and is regarded as one of the world's oldest kinds of game. However, gambling not only has a long history but also causes various problems and controversies in various aspects of life. The history of gambling as a human activity is a long and varied story. It is a social phenomenon that has been important in developing human culture since ancient times. Gambling has been a societal phenomenon for thousands of years and is regarded as one of the world's oldest forms of game. In fact, it has deep historical roots in various cultures, and its evolution is a testament to human behavior and culture. Early forms of gambling appeared in ancient civilizations, including Mesopotamia, China, and Rome, where people engaged in various betting activities, using dice and other simple forms of gaming devices. These early forms of gambling were often intertwined with religious ceremonies, rituals, or festivals, making gambling a social and cultural activity. In ancient China, for example, the practice of gambling dates back to at least 2300 BC, where early Chinese texts described dice games and the first known reference to gambling games⁵⁸

In this rich history, we can find evidence of gambling in various cultures worldwide. For example, in ancient Egypt, Egyptians have been found playing games such as senet, a board game similar to chess, often associated with aspects of religion and spirituality. Additionally, ancient inscriptions describing gambling have been found in the tombs of pharaohs, indicating that gambling was part of their social life. In ancient Rome, gambling was an integral part of entertainment culture. Gladiators often gambled on their fate in the arena, and Romans also enjoyed playing dice, cards, and various other types of gambling. Gambling in Roman culture was often used to celebrate military victories or other important events. In ancient China, gambling has existed since the Han Dynasty, which lasted about 200 BC. Chinese people played games like Pai Gow and Keno, which are still popular today. Gambling in China often has a spiritual element, with players hoping to contact luck or gain blessings through the

57 Blaszczyński, A., Responsible gambling: The need for collaborative government, industry, community, and consumer involvement, *Sucht: Zeitschrift für Wissenschaft und Praxis*, Vol.64 No.5–6, 2018, page.307–315.

58 Johnson, C. J., *Investigating the Social Perceptions on the Stigma and Health Consequences of Online Gambling*. Georgia: Mercer University, 2024

game.

Gambling has been a societal phenomenon for thousands of years and is regarded as one of the world's oldest forms of game. Historically, gambling activities were conducted in more traditional settings, such as casinos, betting shops, or private gatherings. However, with the rapid advancement of technology and information, gambling has shifted toward online platforms, which are more convenient and, in some cases, perceived as safer. This transition has introduced new challenges in regulating and monitoring gambling activities, especially when they are conducted anonymously over the internet. The anonymity provided by online gambling platforms makes it difficult for authorities to track and control gambling activities effectively. This ease of access and the ability to gamble without physical presence have led to an increase in gambling participation, including among individuals who may not have engaged in traditional gambling activities.⁵⁹ While online gambling offers convenience, it also raises concerns about the potential for increased gambling-related harm, such as addiction, financial losses, and negative impacts on mental health. Research indicates that online gambling can lead to various negative consequences. For instance, a study by the National Council on Problem Gambling highlights that problem gambling can result in financial distress, relationship breakdowns, and mental health issues, including depression and anxiety. Moreover, the World Health Organization reports that gambling harms also include family violence, stigma, income-generating crimes (theft, fraud), neglect of children, and erosion of civil institutions via corruption and corporate political activity. The rapid normalization of gambling is occurring through commercialization and digitization, with sponsorship and marketing playing key roles in its global growth.⁶⁰

The introduction of online gambling via the Internet has significantly broadened its accessibility and presented new challenges in efforts to address problem gambling. The convenience of online gambling platforms, including 24/7 availability, easy access via smartphones, and a variety of gambling games such as slots, online poker, and togel, makes it increasingly popular. These platforms provide users the opportunity to gamble anonymously, which complicates monitoring and enforcement efforts by authorities. Moreover, this anonymity, combined with the ease of financial transactions through digital payment systems and cryptocurrency, makes illegal gambling activities even more difficult to track.⁶¹ Gambling has been a longstanding aspect of Indonesian society, deeply rooted in cultural traditions. However, with the advent of digital technology, traditional forms of gambling have transitioned into the online realm, leading to the proliferation of online gambling platforms. These platforms offer various games, including "Slots" and "Online Togel," which have

59 Hollander E, Buchalter AJ, DeCaria CM., Pathological gambling. *Psychiatr Clin North Am.* Vol.23 No.3, 2000, page. 629-42.

60 National Research Council (US) Committee on the Social and Economic Impact of Pathological Gambling. *Pathological Gambling: A Critical Review.* Washington (DC): National Academies Press (US); 1999.

61 Chagas, B. T., & Gomes, J. F., Internet gambling: A critical review of behavioural tracking research, *Journal of Gambling Issues*, Vol.36 No.36, 2017, page.1-27.

gained significant popularity among Indonesians. Research indicates that the rise of online gambling has led to various social issues. For instance, a study by Lubis et al. (2022) highlights that online gambling, disguised as online games, has become prevalent among students in Indonesia. The study found that many students engage in online gambling during their free time, often due to a lack of activities and the anonymity provided by online platforms. This behavior has resulted in negative impacts on academic performance and social interactions.⁶²

Moreover, online gambling allows individuals to play anytime and anywhere, as many online betting companies operate around the clock. The game can be accessed via internet cafes, places with Wi-Fi service, or even via smartphone devices with special supporting applications or programs for playing online lottery betting. One of the main advantages of online gambling is its flexibility in terms of accessibility. Online payment transactions are often used through mobile application-based banking services or M-banking. Online gambling players use technology and communication as modern gaming media, which allows them to participate in games more easily and comfortably. Considering the wide reach of computers in various levels of society and the worldwide presence of the internet, online gambling has the potential to gain greater profits than conventional gambling.⁶³

Apart from the ease of access and flexibility, security factors are also why many people switch from physical services to online services. Using computer media connected to the internet provides players with more privacy and confidentiality. At the same time, monitoring online gambling activities remains difficult in depth for various reasons, including complex technical and legal aspects. It is important to note that although online gambling can provide a certain degree of convenience and security, it also has risks and negative impacts that need to be taken into account. Gambling addiction, financial problems, and social impacts are some of the risks that can arise from engaging in uncontrolled online gambling. Therefore, proper regulation and education are very important to deal with this online gambling phenomenon wisely and responsibly.⁶⁴ The legal framework in Indonesia, particularly the Information and Electronic Transactions (ITE) Law, has been instrumental in addressing online gambling. However, challenges remain in enforcement due to the evolving nature of online platforms and the use of technologies that facilitate anonymous transactions. Despite these challenges, the application of the ITE Law represents a positive step in confronting the legal issues arising from the growth of online gambling⁶⁵

62 Lubis, A. A., Saleh, S., & Marsa, Y. J., The Phenomenon of Online Gambling Under the Guise of Online Games Among Students in Pasar V Tembung Village. *Journal of Humanities and Social Science Studies*, Vol.3 No.1, 2022, page.45–58

63 Lakoro, A., Badu, L.W., & Achir, N., Weakness of the Police in Handling Online Togel Gambling Crimes in Gorontalo City. *Jurnal Legalitas*, Vol.15 No.1, 2016, page.31-50

64 Wahyudi, R., & Sulchan, A. Law Enforcement of Online Gambling Crimes Committed by Children. *Jurnal Ilmiah Sultan Agung*, Vol.1 No.1, 2023, page. 229-307

65 Wahyuni, H. S., Sabarina, G., Rohimakumullah, M. A. A., Ramdani, A. H., Quddus, Z. A., & Valentino, R. A., Financial Literacy of Indonesian Society as an Effort to Face the Online

Online gambling in Indonesia is considered a criminal act, regulated under both the Electronic Information and Transactions Law (UU ITE) and the Criminal Code (KUHP). The legal framework aims to prevent online gambling activities and protect public order, health, and societal welfare. Under the ITE Law, Article 27, Paragraph (2) clearly prohibits individuals from intentionally distributing, transmitting, or making accessible electronic information containing gambling.⁶⁶ This provision is designed to control online gambling platforms, prevent the spread of such illegal activities, and safeguard internet users from the negative impacts associated with online gambling. Perpetrators of online gambling activities may face a maximum sentence of 10 years in prison and/or a fine of IDR 10 billion (approximately USD 670,000), serving as a strict deterrent against participating in or promoting online gambling (Law No. 19/2016, Article 27(2)).⁶⁷ Meanwhile, under the Criminal Code (KUHP), Article 303 addresses gambling crimes and prescribes penalties for individuals involved in gambling, including online platforms. This provision specifically criminalizes those who facilitate or organize gambling activities, including online gambling. Those found guilty under Article 303 can be sentenced to a maximum of 10 years in prison and/or fined up to IDR 25 million (approximately USD 1,600), with the severity of the punishment depending on the extent of the violation. The regulation of online gambling under these laws is not merely about punishing offenders but also aims to prevent the widespread harm caused by gambling to individuals, families, and society at large. Research has shown that online gambling can have detrimental effects on mental health, leading to addiction, financial ruin, and psychological distress. Moreover, it can disrupt family dynamics, with individuals becoming financially unstable, which in turn can lead to broken relationships and domestic issues.

The Criminal Code (KUHP) in Indonesia regulates the crime of gambling, which is explained in Article 303 of the Criminal Code and Article 303 bis of the Criminal Code. These articles are the legal basis that regulates gambling as a criminal offense in Indonesian positive law.⁶⁸ Article 303 of the Criminal Code stipulates that the crime of gambling is punished for people who provide opportunities for the general public to gamble or who use gambling as a livelihood. In other words, this criminal offense includes individuals or entities who facilitate gambling and seek to profit from such activities.

Meanwhile, Article 303 bis of the Criminal Code states that the crime of gambling applies to those who actively participate in gambling games provided by parties who violate Article 303 of the Criminal Code. Those involved in illegal gambling can be subject to punishment as regulated in Article 303 bis of the Criminal Code. This legal provision aims to control and punish criminal acts of

Gambling Crisis. In *6th Open Society Conference (OSC 2024)* Atlantis Press, December 2024, page.100-108

66 Article 27, Paragraph (2) of Law No. 1/2024

67 Pradika, Mohammad Fawaid; Hidayat, Lukman Taufik Tri; Prakoso, Achmad Habib Dwi; and Khan, Aasim Ahmad., Implementation of Violations of the ITE Law Article 27 Verse (2) of 2016 Concerning Promotion of Online Gambling by Influencers in Indonesia, *Jurnal Komunikasi Indonesia*: Vol.13 No.2, 2024

68 Article 303 of the Indonesian Criminal Code (KUHP)

gambling that can damage public order and create negative impacts on society. The punishment can be in the form of criminal sanctions per applicable legal provisions. Thus, the Criminal Code has provided a clear legal basis for dealing with criminal acts of gambling in Indonesia.⁶⁹

Looking at the formulation of criminal law regulations mentioned, it becomes clear that criminal law norms prohibit gambling because it meets the formulation regulated by legislation.^{70,71} Therefore, gambling can be subject to criminal sanctions, the implementation of which will be processed per the applicable criminal procedural law.⁷² However, in reality, the gambling phenomenon continues to grow and develop and is often difficult to overcome and eradicate, especially when it comes to crime in cyberspace or what is often referred to as "cybercrime," such as online gambling. In the context of online gambling, it is often difficult to apply criminal sanctions using existing laws and regulations due to the unique challenges involving cyberspace. Online gambling is often difficult to regulate because of its inherent anonymity, global reach, and the cross-border nature of many gambling platforms. This makes it challenging to apply traditional criminal sanctions effectively, as existing laws and regulations may not adequately address the unique characteristics of cybercrime.⁷³ The use of cryptocurrencies, VPNs, and offshore operations complicates enforcement, making it hard for authorities to track illegal gambling activities. As a result, the legal system faces significant hurdles in adapting to the rapid advancements in online gambling, leaving room for the problem to persist and even grow despite legal efforts to curb it.⁷⁴

Therefore, there are demands for the government to develop new legal products that can accommodate criminal acts in cyberspace or cyber crime, including criminal acts of gambling via the internet. This is important to ensure that the law can adapt to technological developments and effectively protect society from potential dangers from criminal acts in cyberspace. Thus, it is necessary to develop relevant and efficient legal products to face the challenges of online gambling and cybercrime. Crimes related to online gambling can be subject to criminal sanctions based on legal regulations that regulate them by the principles of legality. Therefore, the Indonesian government adopted Law No. 11 of 2008 regulating Information and Electronic Transactions (UU ITE), which acts as a special regulation (Lex Specialis) in dealing with crime in cyberspace, including online gambling.⁷⁵

69 Erawan, I. K. A., & Parsa, I. W., Penerapan Pasal 303 Kitab Undang-Undang Hukum Pidana Tentang Perjudian Terkait Sabung Ayam di Provinsi Bali. *Kertha Wicara: Journal Ilmu Hukum*, Vol.5 No.2, 2015, page.1-5

70 Abdussalam., *Prospek Hukum Pidana Indonesia*, Jakarta: Restu Agung, 2006, page.87

71 Muladi & Barda Nawawi Arief., *Teori-Teori dan Kebijakan Pidana*, Bandung: Alumni, 1992, page.31

72 M. Ali Zaidan., *Kebijakan Kriminal*, Jakarta: Sinar Grafika, 2016, page.54

73 Josua Sitompul., *Cybercrime, Cyberlaw, dan Cybersecurity: Tinjauan Aspek Hukum Pidana*, Tangerang: PT.Tatanusa, 2018, page.35

74 Budiarta, Suryandari, W. D. Enforcement of Law Against Online Gambling Offenders Based on The Theory Of Dignified Justice, *International Journal of Business, Economics and Law*, Vol.31 Issue.1 2024, page.149-54

75 Nono, I.Y., *Op.Cit.*

Article 27 paragraph (2) of the ITE Law specifically prohibits online gambling, stating that no person is permitted to distribute, transmit, or make available electronic information or documents containing gambling content. The danger of penalty for this breach has also been regulated by Article 45 paragraph (1) of the ITE Law, which stipulates that this violation can be subject to criminal consequences in the form of imprisonment with a maximum sentence of six years and a fine of up to IDR one billion.

The ITE Law is legally binding and applies to anyone under the authority of the Republic of Indonesia, including Indonesian residents, foreign citizens, and institutions or corporations. It means that anyone who violates this law in the territory of Indonesia can be subject to legal sanctions by applicable provisions. The application of the ITE Law in online gambling cases shows a positive step in facing legal challenges arising from developments in technology and online gambling. With this law, the government has an effective legal tool to enforce the ban on online gambling and punish violations by applicable regulations in Indonesia. Apart from that, the ITE Law also ensures that perpetrators of cybercrime can be tried and subject to criminal sanctions following applicable law in Indonesia.⁷⁶ The application of severe penalties in cases of online gambling crimes is very important because this can provide a deterrent effect to criminals and provide a warning to the wider community about the serious consequences they will face if they are involved in online gambling. The main aim of imposing harsh penalties is to protect the social order that is potentially disrupted by online gambling, which can become an addiction for those who have become maniacs in this gambling.⁷⁷

Apart from that, online gambling also has the potential to trigger other criminal acts. Some perpetrators may engage in other crimes to meet their financial needs, especially if they have spent all their assets in online gambling. It can create a domino effect that damages social order and community security.⁷⁸ The importance of giving harsh punishments can also be seen from a psychological perspective. Online gambling addiction can have significant harmful effects that can affect a person's quality of life. This gambling habit can cause serious addiction, which in turn can damage a person's personal life, home and social relationships. Gambling addicts often waste their valuable time and resources gambling online, which can harm other aspects of their lives.⁷⁹

By considering all these factors, the government and legal system need to provide strict and severe punishments to online gambling perpetrators in order to maintain public order, prevent other potential criminal acts, and protect individuals who are vulnerable to online gambling addiction. In addition,

76 Pane, M. D., Mendisa, K., & Putri, L. R., Law Enforcement Against Police Officers as Perpetrators of Online Gambling Crimes. *Legal Brief*, Vol.13 No.4, 2024, page.936–943.

77 Aziza, D. A., Information and Technology Law Implementation on Enforcing Criminal Sanctions for Online Gambling, *Indonesian Journal of Multidisciplinary Science*, Vol.3 No.3, 2023, page.249-255.

78 Sulingo, E., Ismail, D.K., & Swarianata, V. *Op.Cit.*

79 Billah, N. P., Febrianti, I., Noviarum, S. D., & Vachruddin, V. P., Analisis Strategi Penerapan dan Dampak Permainan Judi Online di Kalangan Masyarakat. *AL-MIKRAJ Jurnal Studi Islam dan Humaniora*, Vol.5 No.2, 2025, page.1243-1254.

prevention, education and rehabilitation efforts must also be implemented as part of a broader strategy to overcome the problem of online gambling in society. In summary, while Indonesia has put in place robust legislation and penalties to address online gambling, the issue remains a significant challenge that requires a multi-faceted approach. The government needs to continue enforcing laws and impose stricter penalties, but it should also prioritize preventive measures through education, community outreach, and the development of rehabilitation programs. It is crucial for Indonesia to address online gambling not just through legislation but by creating a supportive environment for at-risk individuals and offering opportunities for recovery.⁸⁰ A holistic strategy that includes legislative action, educational initiatives, rehabilitation, and international cooperation will be essential to effectively curb the online gambling problem in Indonesia. Public awareness, community involvement, and the establishment of accessible support systems for those suffering from gambling addiction are vital components in ensuring the long-term success of the government's efforts to tackle this issue.

3.3. The Law Enforcement Against Online Gambling in Indonesia

In law enforcement, the role of humans has a very significant impact. Law enforcement is not a simple process and is limited to logic alone. Human participation in law enforcement makes it the result of individual choice. Thus, the application of law is impacted by "non-logical" features as well as logical considerations. Law enforcement is carried out by a variety of agencies with the necessary authorities, including police, prosecutors, courts, and other government personnel. The concept of law enforcement can also be seen from two perspectives: in terms of the law itself and the legal objects involved.

In the legal context, the application of law includes the values of justice contained in applicable official regulations and the values of justice reflected in society. Applying the law broadly involves justice, including various social factors and considerations. However, in a narrower sense, the application of law is only related to implementing formal and written rules that have been regulated in the legal system. In this case, law enforcement focuses more on technical and procedural aspects of enforcing established laws.⁸¹ When considering the broad application of law, justice is intertwined with social factors and considerations. This means that law enforcement cannot be solely mechanical or rigid, but must account for circumstances, social context, and equity in its application. In this regard, the application of law also means ensuring that it promotes social harmony and public welfare. The concept of justice here includes public participation, human rights protection, and the ability to seek redress in instances of unfair treatment. Abbas, I (2024) argue, justice should involve restorative justice, where legal processes not only punish

80 Sugiarto, A., Legal Review and Impact on Society of Online Gambling in Indonesia. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, Vol.22 No.1, 2023, page.1-10

81 Romdoni, M., Fatma, M., Nurdiansyah, R., Suyanto, S., & Fahmi Lubis, A., A critique and solution of justice, certainty, and usefulness in law enforcement in Indonesia. *Journal of Law Science*, Vol.5 No.4, 2023, page.174-181.

wrongdoers but also help in healing and reconciliation within the community.⁸²

It is important to remember that law enforcement is not a static process but can be influenced by various factors, including policies, changes in social norms, and the views of individuals involved in the legal system. Therefore, to increase the effectiveness of law enforcement, it is necessary to pay attention to various aspects that influence this process holistically. Viewed from a subject perspective, law enforcement can be interpreted in two different contexts: broad or narrow. In general, the law enforcement process involves the participation of all subjects involved in a particular legal relationship. In this context, every individual who complies with or violates certain legal rules can be considered a subject of law enforcement. They act following applicable legal provisions, which may mean creating or implementing rules to protect and ensure effective law enforcement.⁸³

On the other hand, in a narrower definition, law enforcement refers to the efforts undertaken by particular law enforcement officers. In this context, law enforcement officials can use coercive force to perform their duties. They act as agents responsible for securing compliance with the law and ensuring that applicable regulations sanction law violators. It is important to emphasize that law enforcement requires assistance from numerous parties, including the general people, law enforcement officials, and the justice system. The role of each subject in this process is important to maintain the integrity and effectiveness of the legal system. In certain situations, applying coercive force by law enforcement officials may be necessary to ensure the law is executed properly and fairly.

The process of playing online lottery gambling is through registration with a trusted online lottery gambling agent. To carry out the registration process, all requirements must be met before the account is accepted. Then, a deposit of funds or capital is made to carry out online gambling through a bank. The provisions governing conventional gambling are contained in Article 303 paragraphs (1) to (3) and Article 303 bis paragraphs (1) and (2) of the Criminal Code. Online gambling is regulated in Article 27 paragraphs (1) and (2) of Law No. 11 of 2008 concerning Information and Electronic Transactions as amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions, then partially revoked through Law No. 1 of 2023 concerning the Criminal Code and last amended through Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Information and Electronic Transactions.⁸⁴

Legal enforcement against online gambling is a complex challenge and continues to evolve with changes in technology and consumer behavior. As digital technology advances, gambling has found its way into cyberspace,

82 Abbas, I., The Essence of Restorative Justice in the Development of Indonesian Law. *RGSA–Revista de Gestão Social e Ambiental*, Vol.18 No.8, 2024, page.1-15

83 Kurniawan, Y., Siregar, T., & Hidayani, S. *Op.Cit*

84 Aungrah, S. K., & Rahmat, D., Law Enforcement Against Online Gambling Criminal Officers Based On The Theory Of Justice. *JILPR Journal Indonesia Law and Policy Review*, Vol.6 No.2, 2025, page.285–297

opening the door to the development of a rapidly growing online gambling industry. However, the impact of this phenomenon, both positive and negative, has sparked various efforts to regulate and supervise the online gambling industry. Strict regulation is one of the main steps in law enforcement efforts against online gambling. Many countries have responded to the development of this industry by issuing special regulations governing all aspects of online gambling.⁸⁵ These regulations include licensing requirements for online gambling operators, fair gambling, and social responsibility regulations. Strict regulations aim to protect players and control the online gambling market. Countries with strict regulations can monitor online gambling activities more effectively and protect players.⁸⁶

The problem of online gambling is not limited to the geographical boundaries of one country. Many online gambling operators operate across borders, making international cooperation vital in law enforcement. States have cooperated in tracking and pursuing illegal online gambling operators operating in other jurisdictions. This cooperation creates greater pressure on illegal operators and allows law enforcement to take stronger action. In dealing with the challenges posed by online gambling, authorities have increased the use of technology in law enforcement. Data analysis and internet monitoring have become effective tools in finding and stopping illegal gambling operators. Authorities can track suspicious financial transactions and identify lawbreakers with the help of advanced technology. This technology allows law enforcement to respond more quickly to legal violations and reduce the negative impact of illegal gambling.⁸⁷

In addition to regulation and law enforcement, public education and awareness are important components in addressing online gambling problems. The public needs to understand the risks of online gambling and the warning signs of addiction. Awareness campaigns can help reduce the number of individuals who become ensnared in illegal or excessive gambling. Education about wise financial management and strategies for avoiding problem gambling can also be an important part of these efforts.⁸⁸ Through public education and awareness, individuals can become more aware of the risks of online gambling and decide to play responsibly. In order to achieve success in law enforcement against online gambling, it is important to understand that this is an evolving effort. Technology continues to advance, consumer behavior changes, and online gambling operators are looking for ways to overcome regulation. Therefore, authorities must remain vigilant and ready to adapt their law enforcement strategies according to developments in the online gambling industry.

85 Liu, H., Donovan, C., & Popov, V., A Comparison between Financial and Gambling Markets. 2024

86 Alamsah, Nandang, D., & Sigit, Suseno., Modul 1 Pengertian dan Ruang Lingkup Tindak Pidana Khusus, 2019

87 Wong, H. M., Research on International Cooperation in Cracking down Cross-border Cyber-telecoms Fraud. *Transactions on Social Science, Education and Humanities Research*. Vol.12, 2024, page.8-14

88 Reza Ditya Kesuma., Penegakan Hukum Perjudian Online di Indonesia: Tantangan dan solusi. *Jurnal Exact: Journal of Excellent Academic Community*, Vol.1 No.2, 2023, page.34-52.

It is also important to note that law enforcement efforts against online gambling do not simply have the goal of banning or stopping online gambling altogether. Rather, the goal is to create a safe and responsible online gambling environment for those who choose to participate. It means protecting players from the risks of excessive gambling, addiction or fraud while still allowing legal and regulated online gambling to continue operating. In this context, online gambling can continue to develop as an important industry in the global digital economy. However, effective law enforcement and wise regulation must continue to improve to keep the industry sustainable and support players and society. With the combined efforts of governments, law enforcement agencies, gambling operators and the public, we can strike the right balance between access to online gambling entertainment and protection against the risks that may arise.⁸⁹

4. Conclusion

This research has presented a deeper understanding of Indonesia's positive law in dealing with online gambling as a crime. Based on the analysis that has been performed on applicable laws and regulations, court decisions, and literature studies involving this topic, several important findings and conclusions can be identified that Indonesian positive law has a strict framework for regulating gambling, with the stipulation that gambling is only legal if it is carried out in a recognized religious context and registered at a civil registry office. However, this positive law has not fully accommodated technological developments that allow online gambling without geographical restrictions. That has created a legal loophole that needs to be fixed to tackle illegal online gambling. Law enforcement against online gambling has its challenges. The transnational and difficult-to-trace nature of online gambling makes it difficult for authorities to crack down on it. Stronger international cooperation is needed in dealing with illegal online gambling, as well as improved tools and more effective law enforcement policies. Online gambling has a significant social and economic impact. Although it can provide economic benefits, online gambling can also cause financial problems, addiction and other social problems. Therefore, it is important to consider the social and economic impacts of online gambling in formulating legal policies.

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