

Criminal Law Enforcement Against Online Gambling Practices in the Digital Era Regulation and Implementation Study

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Abstract. *Technological advances in the current digital era are developing very rapidly, especially in the information technology sector. Advances in information and communication technology have various impacts, both positive and negative. On the one hand, this technology contributes to improving human welfare, progress, and civilization. However, on the other hand, technology can also be used for illegal acts effectively. Advances in information technology have changed the form of crime from conventional to more modern. Although the types of crimes are similar, the media used are different, namely the internet. This makes the process of investigating, handling, and enforcing the law against these crimes more difficult. One example of a crime involving the internet is online gambling (internet gambling), which is now not only classified as a conventional crime but also a technology-based crime due to misuse of internet media. The emergence of online gambling crimes is a major challenge to prove, considering that not all investigators have expertise in the field of information and technology (IT). As a result, revealing online gambling cases that are increasingly widespread in society is becoming increasingly difficult. The approach method used in this study is the normative legal research approach, namely written or doctrinal legal research. This approach aims to find the correct answer through proving the truth based on legal prescriptions stated in the law. Primary, secondary and tertiary data sources. The problem is analyzed using the theory of legal certainty, law enforcement theory and legal policy theory.*

Keywords: *Enforcement; Law; Regulation.*

1. Introduction

Technological advances in the current digital era are developing very rapidly, especially in the information technology sector. This allows people to easily access and disseminate information widely. Although it has many positive benefits, information technology also has a negative side, one of which is the potential for misuse as a tool for committing cyber crime. Today, the world has been fully integrated into cyberspace. The Internet, as the core of cyberspace, allows access to various information. This development has resulted in many changes that have impacts, both positive and negative.¹

Indonesia, which is transitioning to an information technology-based industrial society, still faces various challenges. One of the main causes is the limited quality of human resources in adapting to the development of information and communication technology, including in overcoming legal problems that arise along with this progress. One of the striking negative impacts is the increase in the number of crimes in various sectors with various modes of operation.

Information technology has produced various services in the field of information and communication with various facilities offered. The Internet, as one form of information technology advancement, allows interaction to be easier without requiring direct meetings.

Advances in information and communication technology have brought various impacts, both positive and negative. On the one hand, this technology contributes to improving human welfare, progress, and civilization. However, on the other hand, technology can also be used for illegal actions effectively. This development has changed the behavior and lifestyle of people around the world, creating a borderless world, and affecting various aspects of life.

The development of information technology has changed the form of crime from conventional to more modern. Although the types of crimes are similar, the media used are different, namely the internet. This makes the process of investigating, handling, and enforcing the law against these crimes more difficult. One example of a crime involving the internet is online gambling, which is now not only classified as a conventional crime but also a technology-based crime due to the misuse of internet media.²

Gambling is a form of social disease that is classified as a criminal act. The widespread distribution of gambling has the potential to damage the social

¹ I Gede Sawitra Putra Jaya, 'Legal Review Thesis on Proving Online Gambling Crimes', 2019, pp. 1–35.

² Hetty Hasanah, 'Criminal Acts of Gambling Through the Internet (Internet Gambling) Reviewed from Law Number 11 of 2008 Concerning Electronic Information and Transactions', UNIKOM Scientific Magazine, 8.2 (2008), pp. 231–42.

structure of society. The motives behind this activity vary, from simply following trends, curiosity, to the desire to achieve wealth quickly or get money instantly. In general, gambling is seen as an activity that has a negative impact. With the advancement of information technology that allows the presence of the internet, the methods of gambling have also developed. Initially, gambling was carried out traditionally, then developed through short messages (SMS), until finally it was present in the form of online gambling.

Currently, various types of online gambling are increasingly popular in Indonesia, such as Online Casino, Online Poker, Domino qq, online soccer gambling, Capsa susun, Virtual Sports, Online e-game betting, Number Game, and Online Slots. In addition, there are still many other forms of internet-based gambling. Basically, gambling is an activity that relies heavily on luck, where the final result cannot be clearly determined.³

There are complex reasons that drive people to engage in online gambling. One of the main reasons is the ease of access and availability of online gambling platforms that offer a more practical experience. With modern technology and internet-connected devices, people can access various types of gambling without having to leave their homes, eliminating the need to visit a casino or traditional gambling venue.

In addition, the entertainment and sensation aspects also play a significant role. For some individuals, online gambling is not only considered an opportunity to gain financial gain, but also as an interesting form of entertainment. The variety of games available and the variety of betting options provide a more diverse experience, able to meet the various preferences and interests of players.

The spread of online gambling practices with high-value transactions in Indonesia has had a serious impact on the economic and moral collapse of the younger generation. Based on the latest data from the Financial Transaction Reports and Analysis Center (PPATK), the turnover of funds related to online gambling in Indonesia until early 2025 is still relatively high, although it shows a downward trend compared to the previous year. Throughout 2024, the total online gambling transactions detected reached more than IDR 200 trillion, down from IDR 327 trillion in 2023. This decline is suspected to be the result of various government efforts to eradicate online gambling, including blocking thousands of sites, collaborating with financial service providers to close related accounts, and educational campaigns to the public. However, PPATK still found indications of the flow of online gambling funds abroad, especially to countries in Southeast Asia, in significant amounts. This shows that although online gambling

³ Maria Margaretta Sitompul & Madiasa Ablisar, 'Criminal Policy in Handling Online Gambling Crimes Carried Out by the Indonesian National Police Headquarters (MABES POLRI)', (2017), pp. 5–24.

transactions have decreased, the challenge in eradicating this illegal practice is still quite large, so that more decisive and collaborative steps are needed from various parties.⁴

In Indonesia, gambling is considered a crime or criminal act, so that any individual involved will be subject to criminal sanctions. Regulations regarding gambling are regulated in Article 303 paragraph (1) of the Criminal Code (KUHP), which reads: "Threatened with imprisonment for a maximum of four years or a maximum fine of ten million rupiah:

- 1) Anyone who uses the opportunity to play gambling which is held in violation of the provisions in Article 303;
- 2) Anyone who participates in gambling games conducted on or around public roads without permission from the authorities.

However, for online gambling, criminal sanctions no longer refer to the Criminal Code, but to Law No. 1 of 2024 concerning the second amendment to Law No. 11 of 2008 concerning Information and Electronic Transactions."⁵

The state has a responsibility to guarantee legal certainty, especially in efforts to eradicate all forms of criminal acts that are contrary to the norms and values of the Pancasila ideology. One of the activities prohibited in Indonesia is online gambling. However, efforts to eradicate this criminal act have not been running optimally. The main obstacle is that many online gambling site service providers come from other countries that legalize such activities through the internet network. In accordance with Article 1 paragraph (3) of the 1945 Constitution, which states that Indonesia is a country of law (*rechtstaat*), ideally the law must be placed in the highest position, and all individuals and actions must comply with the rule of law without exception.⁶

The emergence of online gambling crimes is a big challenge to prove, considering that not all investigators have expertise in the field of information and technology (IT). As a result, revealing online gambling cases that are increasingly widespread in society is becoming increasingly difficult. Currently, online gambling is not only limited to sites that directly provide gambling services, but also involves sites that were originally intended for pure games. These sites are often used as a means to disguise and support online gambling activities.

⁴ Anonymous, 'Online Gambling Among Children: Alarming Data and Prevention Solutions', Indonesian Information Portal, 2024. <<https://indonesia.go.id/kategori/editorial/8393/judi-online-di-kalangan-anak-anak-data-mengkhawatirkan-dan-solusi-pencegahannya?lang=1>> [accessed 16 January 2025].

⁵ Indonesia, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, State Secretariat, Jakarta.

⁶ Dian Eka Safitri, 'Law Enforcement Against Online Gambling Perpetrators in Makassar City', *ARGUMENTUM Law Masters Journal*, 7.1 (2020), pp. 10–15, doi:10.24123/argu.v7i1.3014.

2. Research Methods

The preparation of this thesis uses a normative legal research approach because the research conducted focuses on literature review or document study. This research is specifically aimed at analyzing written regulations and other legal materials.⁷ The normative approach is a method that examines law as a norm that is in accordance with the characteristics of normative legal research, namely written or doctrinal legal research. This approach aims to find the right answer through proving the truth based on legal prescriptions contained in the law book. In short, normative legal research focuses on discussing doctrines and principles in legal science.⁸

3. Results and Discussion

3.1. Criminal Law Regulations Against Online Gambling Practices in Indonesia

The rapid development of information technology has given rise to various new challenges in law enforcement, one of which is the increasingly widespread practice of online gambling in society. Online gambling not only has an impact on social and economic aspects, but also raises serious problems in the realm of criminal law. In Indonesia, gambling practices have long been categorized as a criminal act, including in its digital form. Therefore, criminal law regulations on online gambling are crucial as a form of state response in maintaining public order and protecting society from the negative impacts of this illegal activity. Legal regulations related to online gambling are as follows:

1) Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions Article 27 Paragraph 2 reads:

"Any person who intentionally and without authority distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content."⁹

2) Law of the Republic of Indonesia Number 19 of 2016 concerning Electronic Information and Transactions Article 45 Paragraph 2 reads:

"Any person who intentionally and without authority distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content as referred to in Article 27 paragraph

⁷ Bambang Waluyo, *Legal Research Methods*, Jakarta: Sinar Grafika, 1996. pp.13.

⁸ Zainuddin Ali, *Legal Research Methods*, Jakarta: Sinar Grafika, 2021. pp.25.

⁹ Indonesia, *Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions*, State Secretariat, 2008.

(2) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."¹⁰

3) Law of the Republic of Indonesia Number 1 of 2024 concerning Electronic Information and Transactions Article 27 Paragraph 2 reads:

"Any person who intentionally and without authority distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content."¹¹

4) Article 303 of the Criminal Code (KUHP)

1) Anyone who, without permission, is threatened with a maximum prison sentence of ten years or a maximum fine of twenty-five million rupiah:

a) Deliberately offering or providing opportunities for gambling games and making it a pursuit, or deliberately participating in an enterprise for that purpose;

b) Intentionally offering or giving the public the opportunity to gamble or intentionally participating in an enterprise for that purpose, without regard to whether there are any conditions or procedures required to use the opportunity;

c) Make participating in gambling games a pursuit

2) If the person guilty of committing the crime while carrying out his/her search, then his/her right to carry out that search can be revoked.

3) What is called gambling is every game, where in general the possibility of getting profit depends solely on luck, also because the player is more trained or more skilled. This includes all bets on the results of races or other games that are not held between those who participate in the race or play, as well as all other bets.¹²

5) Article 303 bis of the Criminal Code (KUHP)

1) Threatened with a maximum prison sentence of four years or a maximum fine of ten million rupiah:

a) Anyone who uses the opportunity to gamble, which is held in violation of the provisions of Article 303;

¹⁰ Indonesia, Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, State Secretariat, 2016.

¹¹ Indonesia, Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, State Secretariat, 2024.

¹² Indonesia, Criminal Code.

b) Anyone who participates in gambling on a public road or at the side of a public road or in a place that can be visited by the public, unless there is permission from the competent authority who has given permission to hold such gambling.

2) If at the time of committing the violation, two years have not passed since a criminal conviction became final due to one of these violations, a maximum prison sentence of six years or a maximum fine of fifteen million rupiah may be imposed.¹³

6) Minister of Communication and Information Regulation No. 5 of 2020 in conjunction with No. 10 of 2021

Indirectly but very relevant in dealing with illegal content, including online gambling content, even though the terms “gambling” or “gambling” are not explicitly mentioned in the text of the regulation.

Minister of Communication and Information Regulation This regulates:

- 1) Registration Private Electronic System Organizers (PSE).
- 2) Obligations and responsibilities PSE in managing its electronic systems.
- 3) Handling of content that violates the provisions of laws and regulations, which in substance includes online gambling content.¹⁴

Article 9 paragraph 3 of the Minister of Communication and Information Regulation No. 5 of 2020:

“Private Scope PSEs are required to ensure that their Electronic Systems do not contain and/or facilitate the distribution of Information and/or Electronic Documents that are prohibited in accordance with the provisions of laws and regulations.”¹⁵

This means that gambling content, which is prohibited by the Criminal Code and the ITE Law, is included in the type of illegal content that must be prevented or removed by PSE.

Article 14:

¹³ Indonesia, Criminal Code.

¹⁴ Ministry of Communication and Informatics of the Republic of Indonesia, Regulation of the Minister of Communication and Informatics Number 10 of 2021 concerning Amendments to the Regulation of the Minister of Communication and Informatics Number 5 of 2020 concerning Private Electronic System Organizers, State Secretariat, 2021 <www.peraturan.go.id>.

¹⁵ Ministry of Communication and Informatics of the Republic of Indonesia, Regulation of the Minister of Communication and Informatics Number 5 of 2020 concerning Private Electronic System Organizers, Jakarta: Ministry of Communication and Informatics of the Republic of Indonesia, 2020.

- 1) Regulates the procedure for requesting termination of access to content prohibited by law.
- 2) Kominfo can:
 - a. Perform access termination (blocking)
 - b. Order PSE to remove content
 - c. Issue an administrative warning

This is the legal framework that Kominfo uses to block online gambling sites/applications.

Regulation of the Minister of Communication and Information No. 5 of 2020 in conjunction with No. 10 of 2021 is the administrative and technical legal basis for the government, especially the Ministry of Communication and Information, to filter, take action against, and close access to online gambling content, although the term is not explicitly mentioned. This is a regulatory tool in the Indonesian legal system to protect the digital space from violations of the law, including gambling.

3.2. Implementation of Law Enforcement Against Online Gambling Practices

1) The Role of Law Enforcement in Online Gambling Crimes

Law enforcement has a central role in handling and overcoming the increasingly worrying online gambling crime. As the front line in enforcing laws and regulations, law enforcement officers, including the police, prosecutors, and courts, are responsible for prosecuting perpetrators, breaking operational networks, and ensuring a deterrent effect through a firm and fair legal process. Amid the rapid development of information technology that is used by perpetrators to disguise their illegal activities, the active and responsive role of law enforcement is key to combating this crime effectively and sustainably. Law enforcers involved in online gambling crimes are as follows:

a) Police

The concept of policing encompasses all dimensions related to the responsibility and implementation of law enforcement in accordance with applicable regulations. Maintaining security stability and enforcing public order are key elements in supporting the progress of a country, while ensuring the sustainability, security, and tranquility of society. By strengthening and empowering the role of society in preventing and handling various forms of

violations that disrupt social order, the police institution seeks to realize this common goal.¹⁶

Based on Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, the Indonesian National Police (POLRI) is an institution mandated to carry out the main tasks of the national police. The main tasks carried out by POLRI include:

- 1) Maintaining security and public order.
- 2) Enforcing the law.
- 3) Providing protection, care and service to the community.

The police are one of the important elements in the criminal justice system that has a significant role in the effectiveness and success of the implementation of the service function to the community. As a subsystem that interacts directly with criminals and the general public, the police bear greater responsibility compared to other subsystems. In the structure of the criminal justice system, the police act as law enforcement officers who carry out the main function at the investigation and inquiry stages.

In the context of handling online gambling crimes, the police play a very vital role. Every individual involved in the criminal justice system will generally first face the police. This is in line with the mechanism regulated in the Criminal Procedure Code (KUHP), where the initial stage of the judicial process begins with the role of the police. Determining whether someone can be categorized as a perpetrator of a crime and then processed in the criminal justice system is highly dependent on the role of the police as the initial subsystem. In this case, the decision to declare an act as a crime which is then processed through the prosecution stage in court and guidance in correctional institutions is highly determined by the performance, authority, and responsibility of the police in carrying out the functions of investigation and inquiry.

In law enforcement efforts against online gambling crimes, the Indonesian National Police implements three main approaches, namely pre-emptive efforts (early prevention), preventive (direct prevention), and repressive (legal action). These three approaches are carried out continuously as part of a comprehensive law enforcement strategy. In its implementation, the police also demonstrate a strong commitment to continue to supervise and take firm action against online gambling activities in its jurisdiction. Several concrete steps have been taken by

¹⁶ Indonesia, Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia, State Secretariat, 2002. <<https://peraturan.go.id/common/dokumen/ln/2002/uu2-2002.pdf>>.

the police as a form of response and action against online gambling crimes, which include various efforts according to the authority they have as follows:

1) Pre-emptive efforts (early prevention)

- a. Carrying out outreach activities related to order in the community.
- b. Establish coordination with community self-help groups to improve compliance with the law.
- c. Providing support and supervision of voluntary security efforts as part of efforts to build legal awareness and public compliance with applicable regulations.

2) Preventive efforts (direct prevention)

- a. Efforts need to be made to improve public welfare in order to reduce the unemployment rate, which can ultimately reduce the crime rate.
- b. Improvements in the administrative system and monitoring mechanisms are needed to prevent various forms of irregularities.
- c. Equalizing understanding and awareness of the law among the community must be encouraged through intensification of legal outreach activities.
- d. Strengthening preventive and repressive measures can be done by increasing the number of police personnel as law enforcement officers.

3) Repressive Efforts (legal action)

- a. Collection of data or reports from community members
- b. Handling the scene of the incident directly
- c. Implementation of the investigation and inquiry process for cases that occur
- d. Making an arrest of the alleged perpetrator
- e. Carry out detention actions according to legal procedures
- f. Imposing criminal sanctions or sentences against perpetrators of crimes
- g. Provide guidance to perpetrators through correctional institutions

b) Prosecutor's Office

Based on the provisions of Article 1 paragraph 1 of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, a prosecutor is defined as a functional official who has the authority based on the law to carry out duties as a public prosecutor and to implement court decisions

that have permanent legal force, including other authorities regulated by laws and regulations. As a law enforcement institution, the prosecutor's office is required to play a more active role in upholding the supremacy of law, protecting public interests, and upholding human rights.¹⁷

In Article 1 paragraph 6 of Law Number 8 of 1961 concerning the Criminal Procedure Code (KUHP), which reads:

- a. A prosecutor is an official who is authorized by this law to act as a public prosecutor and to implement court decisions that have permanent legal force.
- b. The Public Prosecutor is a prosecutor who is authorized by this law to carry out prosecutions and implement judges' decisions.¹⁸

In an effort to handle online gambling cases, it is necessary to implement appropriate legal steps. Based on the provisions of PER-036/A/JA/09/2011 Chapter I Article 1 Paragraph 9, what is meant by legal remedies is the right of the accused or public prosecutor to reject the court's decision by filing an objection, appeal, cassation, or for convicts, filing a request for judicial review, in accordance with the procedures stipulated in criminal procedure law and other laws and regulations. Handling online gambling cases also requires a process of transferring case handling. This is regulated in Chapter I Article 1 Paragraph 5 of PER-036/A/JA/09/2011, which explains that the transfer of case handling is an action to hand over the process of prosecuting general crimes from the Attorney General's Office or the High Prosecutor's Office to the District Attorney's Office, in accordance with applicable laws.

Based on this legal basis, prosecutors have firm and structured authority in handling criminal cases in accordance with the provisions of applicable laws and regulations.

c) Courts in Prosecuting Online Gambling Offenders

After investigators from the Prosecutor's Office have completed the legal process which includes determining the suspect and carrying out detention, the next step is to transfer the case files to the Court and Judge for further processing.

Furthermore, in accordance with the provisions of the Republic of Indonesia Law Number 13 of 1965 concerning Courts within the General Courts and the Supreme Court—which was later amended to become the Republic of Indonesia Law Number 2 of 1986 concerning General Courts—it is stated in Article 1 Paragraph 1 and Paragraph 2 that:

¹⁷ Indonesia, Law of the Republic of Indonesia Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, State Secretariat, 2004.

¹⁸ Indonesia, Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Law, Indonesia, 1981.

a) The courts are the District Court and the High Court within the General Court environment.

b) Judges are Judges at the District Court and Judges at the High Court.¹⁹

Based on the Regulation of the Supreme Court of the Republic of Indonesia Number 4 of 2020 concerning the Administration and Trial of Criminal Cases in Courts Electronically, the District Court as part of the Judicial Power institution has the main task of receiving, examining, trying, and resolving criminal and civil cases at the first level for people seeking justice.²⁰In general, the main functions of the court can be summarized as follows:

1) As a legal service for people seeking justice in general regarding various disputes.

2) As an implementer of positive law for people seeking justice.

3) Providing applied legal contributions in national legal development efforts.

Judges have a crucial role as the party that decides cases, especially in handling online gambling cases, because every decision taken will be in the public spotlight and have a major impact on the direction of legal development. The role of judges is not merely as implementers of laws, but also as inventors of law (*rechtvinding*) who consider the cultural values that develop in society, especially the values contained in Pancasila. In making decisions on criminal cases, judges are required to be able to reflect the sense of justice of the community. Therefore, judges have the freedom to make decisions, in accordance with the principles of a state of law that guarantees an independent and impartial judiciary.

In addition to referring to written legal rules, judges also need to consider social norms that apply in society and use their conscience in assessing cases, based on personal beliefs and the community's sense of justice. This approach is in line with the principle of progressive law enforcement. The main duties of judges in criminal cases, including online gambling cases, include receiving, examining, and deciding cases in the trial process.

d) Ministry of Communication and Information

The Ministry of Communication and Informatics (Kominfo) is a state institution that has strategic authority in controlling digital information and communication, including in efforts to prevent and overcome online gambling crimes. In this

¹⁹ Indonesia, Law of the Republic of Indonesia Number 2 of 1986 concerning General Courts, 1986.

²⁰ Indonesia, Regulation of the Supreme Court of the Republic of Indonesia Number 4 of 2020 Concerning Electronic Administration and Trial of Criminal Cases in Court, 2020.

context, Kominfo acts as an authority that regulates and supervises digital content, and is responsible for terminating access to sites and applications that contain illegal content, including gambling.

The authority of the Ministry of Communication and Information is explicitly regulated in Article 40 paragraph (2a) and (2b) of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) which has been amended by Law Number 19 of 2016. This article provides a mandate for the Ministry of Communication and Information to carry out access blocking to Electronic Information and/or Electronic Documents that contain content that is prohibited by legal provisions, including gambling, pornography, hate speech and other negative content.²¹

In addition, the administrative authority of the Ministry of Communication and Information is also strengthened by the Regulation of the Minister of Communication and Information Technology Number 5 of 2020 concerning Private Electronic System Organizers, which requires digital platform organizers to actively moderate unlawful content, including gambling activities. In its implementation, the Ministry of Communication and Information cooperates with internet service providers (ISPs), digital platforms, and law enforcement agencies to carry out site blocking, account actions, and regular cyber patrols.²²

e) Coordination with the Financial Services Authority (OJK) and Bank Indonesia regarding financial transactions

In dealing with the complexity of online gambling crimes, coordination between state institutions is an important key, especially between the Ministry of Communication and Information (Kominfo), the Financial Services Authority (OJK), and Bank Indonesia (BI). Each institution has a strategic role and complements each other in breaking the chain of operations and financial transactions that support digital gambling practices. Kominfo plays a role in handling the technology side and cutting off site access, while OJK and BI focus on supervision and enforcement in the financial aspect.

Bank Indonesia has the authority to regulate and supervise the payment system, as stipulated in Law Number 23 of 1999 concerning Bank Indonesia, which was last updated in Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector (UU PPSK). Based on this authority, BI can trace and limit access to payment system services, both account-based and digital wallet-based, used in online gambling activities. Blocking merchants,

²¹ Indonesia, Law of the Republic of Indonesia Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.

²² Ministry of Communication and Information of the Republic of Indonesia, Regulation of the Minister of Communication and Information Number 5 of 2020 concerning Private Electronic System Organizers.

payment accounts, and unauthorized gateways is one real form of BI intervention in the realm of suspicious electronic transactions.²³

Meanwhile, OJK carries out a supervisory function over all activities in the financial services sector based on Law Number 21 of 2011 concerning the Financial Services Authority. OJK has the capacity to monitor the flow of funds flowing through formal financial institutions, including banks and fintech.²⁴In the context of online gambling, OJK has the authority to order the blocking of bank accounts or virtual accounts identified as being used as a place to store gambling proceeds, as well as to impose administrative sanctions on financial service providers who are negligent in implementing the principle of prudence.

The synergy between Kominfo, OJK, and Bank Indonesia is realized through the formation of a cross-sector coordination team that allows for rapid data exchange related to sites, social media accounts, and digital accounts or wallets suspected of being involved in online gambling networks. Kominfo will identify and report gambling sites/applications, then BI and OJK will follow up on the report by tracing and blocking related financial facilities.

Through this approach, the state not only cuts off access to illegal information, but also blocks the financial channels that are the lifeblood of online gambling networks. This holistic approach is expected to provide a deterrent effect, minimize socio-economic losses due to online gambling, and strengthen public trust in the legal and digital financial systems in Indonesia.

2) Stages Law Enforcement of Online Gambling Crimes

Law enforcement against online gambling crimes is a complex process and involves various strategic stages to eradicate illegal activities that are increasingly rampant in this digital era. The procedure is as follows:

1) Procedures for identifying and tracking online gambling sites or applications.

The initial step in revealing and closing access to the media used by the perpetrators. This identification is carried out by law enforcement officers together with the Ministry of Communication and Information (Kominfo) through various technical methods, such as internet network monitoring, public reports, and cooperation with internet service providers. In addition, digital forensics technology is used to track IP addresses, servers, and transaction patterns that indicate online gambling activities.

²³ Indonesia, Law of the Republic of Indonesia Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, State Secretariat, 2023.

²⁴ Indonesia, Law of the Republic of Indonesia Number 21 of 2011 concerning the Financial Services Authority, State Secretariat, 2011.

2) Steps for blocking sites by Kominfo.

This blocking procedure is carried out based on the authority stipulated in the Electronic Information and Transactions Law (UU ITE) and its implementing regulations. Blocking usually involves stopping access to a site through an internet service provider (ISP), either by DNS blocking, IP blocking, or content filtering. Kominfo also implements coordination with other law enforcement agencies to ensure that online gambling sites or applications that have been identified are truly illegal and do not impact the disruption of access to other legal services. In addition, Kominfo periodically updates the list of blocked sites and monitors the use of technology so that blocking can run effectively without being easily outsmarted by perpetrators using methods such as VPN or proxy.

3) The process of investigation, arrest and detention of the perpetrator.

The investigation process carried out by law enforcement officers, such as the Police and the Prosecutor's Office, who are tasked with collecting strong evidence to thoroughly investigate online gambling networks. The investigation process includes collecting data from various sources, ranging from digital tracking results, monitoring financial transactions, to collecting witness and victim statements. After the evidence is deemed sufficient, arrests are made of perpetrators who are proven to be involved in online gambling activities. These arrests not only target the main operators, but also the bookies and agents who carry out transactions systematically. Detention is carried out to ensure that the perpetrators do not flee or remove evidence during the legal process.

4) Seizure of assets and freezing of accounts related to online gambling activities.

Asset confiscation is carried out to secure evidence in the form of electronic devices, cash, and other property obtained from the proceeds of crime. Account freezing is carried out primarily by banks and the Financial Services Authority (OJK) at the request of law enforcement officers after there are indications that the account is being used for gambling transactions. This aims to cut off the financial channels that are the source of the perpetrator's resources, so that online gambling activities can be significantly suppressed. The process of freezing accounts and confiscating assets must be carried out in accordance with legal provisions so that they can be used as valid evidence in court.

5) The judicial process and imposition of criminal sanctions.

The trial process carried out in court, where perpetrators of online gambling crimes will be tried based on evidence collected during the investigation process. This process includes a trial reading of the indictment, examination of witnesses,

and defense from the defendant. The judge has an important role in assessing all the facts and evidence presented to determine whether the defendant is guilty or not. In imposing criminal sanctions, the judge considers aspects of aggravation and mitigation in accordance with applicable criminal law provisions, such as the threat of punishment in the Electronic Information and Transactions Law, the Criminal Code, or the Money Laundering Law if there is an indication of illegal fund management. The sanctions imposed can be in the form of imprisonment, fines, or revocation of certain rights, which are expected to provide a deterrent effect for the perpetrators and prevent other people from carrying out similar practices.

Overall, the stages of law enforcement against online gambling require synergistic cooperation between various agencies, starting from the Ministry of Communication and Information as a digital content supervisor, the police as investigators and law enforcers, the Attorney General's Office as a public prosecutor, to the court as a case-deciding institution. Not only that, the role of the OJK and Bank Indonesia is also very crucial in monitoring and controlling financial transactions related to this illegal activity. Strict and integrated law enforcement is expected to suppress the spread of online gambling which damages the social and economic order of society.

In addition, these efforts need to be supported by education and socialization to the community regarding the risks and negative impacts of online gambling, as well as the importance of reporting illegal activities to the authorities. This approach is a prevention strategy so that the community does not fall into gambling practices that not only cause financial losses, but also disrupt moral values and social order. Therefore, law enforcement does not only focus on enforcement actions, but also plays a role as an effort to protect and empower the community.

3) Case Analysis of Online Gambling Criminal Law Enforcement

Analysis of law enforcement cases in online gambling crimes, highlighting the judicial process, application of articles, and the effectiveness of the legal approach applied. The analysis was conducted to assess the extent to which the national criminal law system responds to the phenomenon of online gambling fairly, appropriately, and comprehensively.

1) Decision of the Surabaya District Court Number 163/Pid.B/2025/PN.Sby

Law enforcement in the Surabaya District Court decision Number 163/Pid.B/2025/PN.Sby regarding the defendant YANUAR RAHMAN BIN HAMZAH who was proven guilty of online slot gambling, seen from the positive legal aspect, the effectiveness of law enforcement, and the social context.

a. Conformity of the Decision with Positive Law

The defendant was charged with Article 303 paragraph (1) 1 of the Criminal Code, which reads:

"Anyone who intentionally uses the opportunity to play gambling held in violation of the provisions of Article 303."

The panel of judges considered that all elements of the article had been fulfilled, because the Defendant admitted to playing online slots using the "TEXAS189" application. Deposit and withdrawal transactions were made via e-wallet (Dana), using a personal account. The game did not have permission from a legitimate authority, winning was based solely on luck.

The verdict of 1 year imprisonment, as well as the order to confiscate the cellphone to be destroyed and pay court costs of Rp. 2,000,-. This shows that the application of the article is carried out normatively and legally correct.

b. Aspects of Implementation and Effectiveness of Law Enforcement

This decision shows several important points in the practice of criminal law enforcement:

a. Effectiveness of Detection & Enforcement

The quick action by the officers who secured the perpetrator while in action at the stall showed that field detection was effective. Witness statements and electronic evidence were immediately confirmed by the defendant.

b. The Defendant's Cooperation

The defendant admitted his guilt, was polite, and had never been convicted, thus facilitating the trial process. This reflects the effectiveness of legal guidance in the trial process.

c. Deterrent Effect vs. Degree of Threat

The 1-year sentence shows a commitment to law enforcement, although it is debatable whether this sanction is sufficient to have a deterrent effect, especially since many online gambling perpetrators come from lower social groups. The punishment only touches users, not organizers or platform owners (who often escape the law).

c. General Review of Law Enforcement Implementation

This decision reflects that law enforcement against online gambling in Indonesia is indeed running, but is still repressive towards the end-users. More comprehensive and digital-based regulatory instruments need to be prepared to pursue the main perpetrators (operators/platforms). Law enforcement must be

balanced with an educational and preventive approach, especially in vulnerable areas.

Decision 163/Pid.B/2025/PN.Sby is an example of the implementation of law enforcement that is normatively correct, technically quite effective, but still faces structural challenges in eradicating online gambling systematically. In the future, it is necessary to strengthen the Cyber Intelligence sector, Action against server/application providers and Cross-sector Integration (Kominfo, OJK, PPATK, Police, Prosecutor's Office).²⁵

2) Decision of the Surabaya District Court No. 100/Pid.B/2025/PN Sby

Decision of the Surabaya District Court No. 100/Pid.B/2025/PN Sby on behalf of the defendant NAZAR TRI YUSIAM BIN MOCH. TAUFIK, in the perspective of implementing criminal law enforcement in Indonesia related to online gambling crimes:²⁶

1) Quick Legal Facts

The defendant was proven to have gambled online using the slot “Pragmatic Play – Sugarrush” through the Tokewin site using an OPPO A15 cellphone and a Dana account under the name of Mahmuddin. He made a deposit of Rp50,000, then logged in and played a game of chance. The evidence secured was one cellphone, SIM card, and access to an online gambling site.

The panel of judges declared the defendant guilty of violating Article 303 bis paragraph (1) point 1 of the Criminal Code for using the opportunity to gamble in violation of the provisions of Article 303 of the Criminal Code. The defendant was sentenced to 1 year in prison, the evidence was destroyed, and he was charged with court costs of Rp. 2,000.

2) Analysis from the Perspective of Law Enforcement Implementation

a. Enforcement of Legal Substance

The panel of judges applied Article 303 bis paragraph (1) ke-1 of the Criminal Code appropriately by targeting individual perpetrators as legal subjects. The elements of the crime were explained comprehensively, including the nature of the game which was based on chance, the absence of official permission, and the use of illegal Dana accounts and sites. To strengthen the legal considerations, the judges also cited the opinions of criminal experts such as Lamintang and Sianturi.

²⁵ Yanuar Rahman, Number 163/Pid.B/2025/PN.Sby, Surabaya District Court, Supreme Court, March 13, 2025.

²⁶ Nazar Tri Yusiam, Number 100/Pid.B/2025/PN Sby, Surabaya District Court, Supreme Court, March 4, 2025.

This shows that the application of the law is in accordance with the principle of legality and the principles of criminal doctrine.

b. Effectiveness of Enforcement Process

The legal process in this case was fast and transparent, starting from a field investigation by the Kenjeran Police based on public reports. The arrest, confiscation of evidence, examination, and trial process were carried out in accordance with the procedures stipulated in the Criminal Procedure Code. The defendant was cooperative and admitted his actions, thus speeding up the evidence process and making it easier for the panel of judges to consider the verdict.

4. Conclusion

Criminal law regulations governing online gambling practices in Indonesia are generally stated in Articles 303 and 303 bis of the Criminal Code, Law of the Republic of Indonesia Number 1 of 2024 concerning Electronic Information and Transactions Article 27, and are reinforced by a number of provisions in the Electronic Information and Transactions Law (UU ITE). Although it does not specifically mention "online gambling," the regulation provides a sufficient legal basis for prosecuting perpetrators, especially when interpreted progressively by law enforcement officers. However, harmonization between regulations is needed to address legal loopholes in the digital context.

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