

Implications Of Law Enforcement Of Special Crimes Cybercrime Online Gambling Practices Based On Justice Values

Libartino Silaban¹⁾ & Andri Winjaya Laksana²⁾

¹⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: libartinosilaban.std@unissula.ac.id

²⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: andri.w@unissula.ac.id

Abstract. *Online gambling poses a serious threat in the cybercrime category due to its cross-border, anonymous, and difficult-to-trace nature. Although Indonesia has various regulations prohibiting gambling, law enforcement against online gambling practices still faces numerous challenges. The purpose of this research is to identify and analyze the regulation of online gambling crimes under Indonesian positive law. This study aims to identify and analyze law enforcement against online gambling crimes in relation to legal system theory. This thesis is written using a normative juridical approach method, the research specifications are descriptive analysis, data sources consist of secondary data taken from primary legal materials, secondary legal materials, tertiary legal materials, data collection methods through literature studies and analysis techniques using qualitative. The results of the study show that Online gambling is a form of cybercrime that utilizes information technology and the internet as a medium for committing gambling crimes. The regulation of online gambling crimes under positive law in Indonesia is regulated by Law Number 1 of 2023 concerning the Criminal Code and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law). Law enforcement against online gambling faces various complex challenges. Existing regulations are still partial and unable to fully accommodate the cross-border and dynamic characteristics of cybercrime. Law enforcement against online gambling in Indonesia remains hampered by its structure, substance, and legal culture. From a legal substance perspective, existing regulations do not specifically regulate online gambling, potentially leading to legal uncertainty and disparities in law enforcement. From a legal structure perspective, the limited capacity of law enforcement officials to understand cybercrime and digital technology hinders the effectiveness of law enforcement against online gambling crimes. From a legal culture*

perspective, public awareness of the prohibition of online gambling remains low. To address online gambling, more specific regulations are needed to accommodate technological developments and the increasingly complex modus operandi of online gamblers. From a structural perspective, the capacity and competence of law enforcement officers should be improved through digital forensics training and cybercrime investigations, as well as regular cyber patrols. Meanwhile, from a legal culture perspective, education and extensive campaigns on the dangers of online gambling through seminars and social media platforms need to be strengthened to raise public legal awareness.

Keywords: *Cyber Crime; Law Enforcement; Online Gambling.*

1. Introduction

The Republic of Indonesia is a state based on law as stated in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which regulates all aspects of the lives of Indonesian society.¹This is expressly regulated in the Explanation of the 1945 Constitution of the Republic of Indonesia that "The Republic of Indonesia is based on law (*rechtstaat*), not based on mere power (*machstaat*)".²

Criminal law is often used to address social problems, particularly crime. Gambling is a social disease, a form of social pathology.³Law enforcement to address gambling as a deviant behavior must continue. This is justified, as gambling poses a real threat to social norms and can cause both individual and social tensions.

Online gambling has become a growing global phenomenon, including in Indonesia. The rapid development of information technology has made gambling easily accessible through various online platforms. This has made it easier for people to access gambling activities that were previously difficult to access physically. Gambling addiction is a serious global health problem, and Indonesia is not immune to its impact. This phenomenon not only impacts social aspects but also causes significant economic losses.⁴

This phenomenon impacts the individuals involved and creates a significant socio-economic burden for society and the state. Although the government has issued regulations through Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law) and established an Online Gambling Eradication Task Force through Presidential Regulation No. 21 of 2024, online gambling activity continues to increase. The regulation stipulates criminal penalties for online gambling perpetrators of up to six years in prison or a maximum fine of IDR 1 billion. However, in reality, this regulation has not been able to significantly reduce the number of online gambling cases. Through the Ministry of Communication and Digital (Kominfo), the government has blocked more than five million online gambling content from 2017 to November 2024. While this step demonstrates the government's commitment, the challenges in implementing the regulation remain significant.⁵

2. Research Methods

This research is a normative juridical study. This normative juridical approach focuses on the analysis of positive legal norms contained in legislation, the doctrines of legal experts, and court decisions.⁶

¹Sri Praptini, Sri Kusriyah, and Aryani Witasari, *Constitution and Constitutionalism of Indonesia*, *Jurnal Daulat Hukum*: Volume 2 Issue 1, March 2019, p. 317

3. Results and Discussion

3.1. Regulation of Online Gambling Crimes in Positive Law in Indonesia

1) Legal Provisions for Online Gambling in Positive Law in Indonesia

Discussing positive law, Indonesian positive law has legal objectives that cannot be separated from the aspirations and goals of the nation's struggle as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia and the Pancasila Principles, namely the Principle of Social Justice, which is considered an important part of the Indonesian value system. Indonesian positive law can also be explained as a set of principles and rules governing human behavior to be part of the current social life in the Republic of Indonesia.⁷

Generally, challenges in implementing positive law include several things, such as a lack of legal norms, unclear formulations of legal norms, conflicts between legal norms, and inconsistencies with outdated legal norms. Conceptually, these problems have their own approaches or strategies for resolving them. However, in decision-making, caution is required in selecting the appropriate theory, as theory is a subjective choice that must be carefully considered by the decision-maker.⁸

Based on its form, positive law is divided into written and unwritten law. Unwritten law, often referred to as customary law or customary law, is a set of legal norms that apply within a community without being formalized in legislation. These norms arise from customs and traditions passed down from generation to generation, reflecting the values and social norms recognized by that community. This unwritten law also develops along with the development of society to regulate various aspects of social life. Although this law is unwritten, it has a strong power to maintain social order within a community.

²CST Kansil, General and Indonesian State Sciences, PT Pradnya Paramita, Jakarta, 2001, p. 2

³Kartini Katono, Social Pathology, Volume I, PT Raja Grafindo Persada, Jakarta, 2005, p.57.

⁴Ramadani, R. The Phenomenon of the Rise of Online Gambling in Indonesia. *Adagium: Scientific Journal of Law*, 3(1), 2023, pp. 1–14. <https://doi.org/10.70308/adagium.v3i1.57>

⁵Juhara, NF, Amalia, M., & Mulyana, A. Effectiveness of Law Enforcement against Online Gambling in Indonesia: A Legal and Sociological Analysis. *Journal of Contemporary Law Studies*, 2025, pp. 153-164.

⁶Lexy J. Meleong, Quality Research Methodology, Bandung: PT. Remaja Rosdakarya, 2002, p. 3

⁷Davin Gerald Parsaoran Silalahi, "Positive Legal Regulations in Indonesia Regarding Online Gambling Promotion on Social Media," *Alliance: Journal of Law, Education, and Social Humanities* Volume 1, No. 2, March 2024, p. 321

⁸Suhartono, Slamet. Positive Law: Problems in its Application and Theoretical Solutions. *Journal of Legal Studies*, Vol. 15 No. 2, 2020, p. 205

The existence of unwritten law demonstrates that a society's legal system is not limited solely to written regulations, but also encompasses cultural values and traditions that are an integral part of a group's identity. Understanding this unwritten law is crucial for understanding social dynamics and community life as a whole.⁹.

The second form of positive law is written law. Written law is a collection of legal rules written down in statutes, whether codified or not. These legal rules are created by rulers with the authority to create them, and do not include legal rules derived from customs or tribal chiefs. This written law has the same legal force for all people under the country's jurisdiction and must be obeyed by all citizens without exception. In modern legal systems, written law is the primary basis for resolving legal disputes and maintaining social order.

Discussing one form of positive law that is binding, namely written law. One example of written law itself is found in statutes, as well as the Law on Criminal Law Regulations or better known as the Criminal Code (KUHP). The Criminal Code is a legal regulation that regulates criminal acts and the sanctions given to perpetrators of crimes. The Criminal Code is the main foundation in enforcing criminal law in Indonesia. The Criminal Code regulates criminal law procedures, such as investigation, prosecution, and trial. Along with the times and the needs of society, the Criminal Code continues to experience changes and improvements that can be found, namely the renewal of the previous Law Number 1 of 1946 concerning Criminal Law Regulations and now updated with Law Number 1 of 2023 concerning the Criminal Code. The Criminal Code regulates various types of crimes in it, such as crimes against state security, crimes against humanity, crimes against freedom, and property crimes.

In addition to regulating crimes, the Criminal Code also regulates criminal acts related to gambling, which will be discussed in this study. Furthermore, one of the written positive laws is the Information and Electronic Technology Law. Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) contains legal regulations governing the use of information technology and electronic transactions in Indonesia. The ITE Law aims to protect data security and privacy, prevent misuse of information technology, and regulate criminal acts related to internet use. However, the ITE Law has also come under scrutiny due to its perceived potential to suppress freedom of expression and opinion online. The use of the ITE Law is a crucial concern in maintaining a balance between data protection and human rights with freedom of expression in the ever-evolving

⁹Masruchin Ruba'i. Textbook of Criminal Law. Malang: MNC Publishing, 2021, p. 8

digital era. Specifically, the ITE Law contains regulations governing gambling, which will be discussed in this study.

1. Provisions in the Old Criminal Code

Law Number 1 of 1946 concerning Criminal Law Regulations, better known as the Criminal Code (KUHP), is a law that adopts or is a derivative of the Dutch Criminal Code. The Criminal Code, as is well known, regulates various criminal acts in Indonesia, including gambling. Gambling is likely familiar to the public, as it is frequently played by people seeking substantial profits with relatively little effort.

Discussing the topic of gambling, as is known, gambling is an activity that involves betting on it by risking a certain amount of money with the aim of winning as much money as possible. All actions or games containing this element are included in gambling without exception. There are three elements that explain the activity being carried out as gambling: first, a game or competition played solely for fun to fill free time; second, a game or competition where winning is obtained through chance; and third, there is a bet, here in the game or competition there is a stake in the form of property, such as money. Where each bet will result in a profit or loss.¹⁰

Given this reality, all acts involving gambling are considered illegal, and those found engaging in gambling will be prosecuted. However, the phrase "without permission" and "except with permission" are included in the regulations, specifically Articles 303 and 303 bis of the Indonesian Criminal Code. These phrases have sparked controversy in the fight against gambling in Indonesia. These phrases explicitly state that gambling in Indonesia is permitted, provided it is licensed by the government, the state authority. The author refers to Government Regulation of the Republic of Indonesia (PPRI) Number 9 of 1981 concerning the Implementation of Gambling Control, Article 1, point 1, which states that all forms and types of gambling are prohibited, including gambling permitted in casinos, public places, or for specific reasons. This PP aims to prevent gambling practices that harm society and reduce its negative impact on social and economic life.

Article 2 of PPRI Number 9 of 1981 also states that permits for organizing gambling in any form of gambling that were previously permitted will be revoked and no longer valid since this PP was issued. If this gambling regulation is linked to Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation, it states that the PP will be null and void because it is in conflict with the existing regulations above it, namely the Criminal Code. According to the author, the government as the ruler should make clear regulations regarding this

¹⁰Waney, GERALDY. Legal Review of Gambling Crimes (Application of Articles 303 and 303 Bis of the Criminal Code), *Lex Crimen* Vol. 5 No. 3 2016, pp. 32-33

gambling so that there is no misunderstanding in taking action to eradicate gambling in Indonesia. Of course, the phrase "permit" in Articles 303 and 303bis of the Criminal Code has caused polemics.

In Article 303 of the Criminal Code, firstly, it is contained in paragraph (1) the first point which prohibits intentionally providing or offering an opportunity to gamble and making that opportunity a livelihood. It can be traced in the description, that there are elements of crime contained therein, namely objective elements and subjective elements. The objective elements include the act of "offering and providing an opportunity", the object is "gambling without a permit", and gambling activities that are used as a livelihood. Then in the subjective element, the maker of this gamble does not commit an act of gambling, but the maker offers the opportunity to gamble and provides gambling, of course this crime is not included in the prohibition of gambling, but the act of this maker is prohibited because it invites or invites people to gamble by providing a place for gambling to be carried out.

In addition, there is a second crime in point 1 paragraph (1), namely intentionally participating in gambling business activities. There is an objective element in it, namely the act is participating and the object is in the gambling business activity. Participation included in the act means a person involved in the gambling business. Then the subjective element is found in the phrase "intentionally" which is more prominent in the act of participating that occurs in a gambling business activity, with the intention that the maker of this gambling intentionally wants to carry out an act of participation and basically this participation is a gambling activity. Then there is also a third crime, namely in point 2 in paragraph (1) which is written intentionally providing or offering an opportunity to the general public, there is an objective element in it, namely the act is giving or offering and the object is the general public. There is also a subjective element, namely the phrase "intentionally". In this third crime there are similarities, namely the act of offering or giving, the difference is that in this third crime the phrase "general public" is written where this gambling crime is directed at several people. Then in this third crime there is no element of livelihood.

Then there is the fourth crime, namely a prohibition in which intentionally participating in carrying out a gambling business activity. There is an objective element, namely the act is participating and the object is for a gambling business activity, and the subjective element is the phrase "intentionally". In this fourth crime, there is a similarity to the second crime, the difference is that in this fourth crime it is not used as a livelihood. Then finally there is the fifth crime, there is the phrase "participating" but not the activity of offering or providing an opportunity, but as a participant in the gambling game. The five crimes are listed in Article 303 paragraph (1) of the Criminal Code from the first point to the third point. For

paragraph (2) there is content related to the aggravation of the sentence and paragraph 3 contains content related to the definition of gambling.

The discussion above is an analysis of the contents of Article 303 of the Criminal Code which contains five crimes, while in Article 303bis of the Criminal Code there are also several aspects that need to be considered. In Article 303bis this is a change from the original in Article 542 of the Criminal Code based on the provisions of Article 2 point 4 of Law Number 7 of 1974 concerning the Regulation of Gambling. In the article there are contents that discuss the rules of punishment for gambling crimes and also in paragraph 1 point 2 the phrases "if there is permission" and "give permission" which according to the author these phrases provide the polemic discussed above by the author and are important to note.

In Article 303bis, this article contains the crime of gambling in paragraph (1) and in paragraph (2) there is an element of criminal aggravation. In paragraph (1) there is the first crime in point 1, namely prohibiting people who play gambling games by using existing opportunities to violate Article 303 of the Criminal Code, there is an objective element, namely the act is the opportunity to play gambling and the subjective element is violating the provisions of Article 303 of the Criminal Code, and the second crime in point 2 is prohibiting people from participating in gambling games on public roads, public roadside, or places visited by the public, there is also an objective element, namely the act of playing gambling, the object is in a public place and the subjective element is in whoever participates. In addition, in the second paragraph there is an aggravating element that if a violation related to gambling occurs less than two years after the determination of the sentence, then imprisonment or a fine can be imposed.

2. Provisions in the New Criminal Code

In the latest Indonesian Criminal Code, namely Law Number 1 of 2023 concerning the Criminal Code, there are criminal law regulations that are certainly new or have been changed from the previous Dutch regulations issued by the government.

Law Number 1 of 2023 concerning the Criminal Code covers various legal aspects, including new regulations or amendments issued by the government to regulate criminal offenses related to criminal activity, particularly gambling. Gambling is stipulated in Articles 426 and 427 of the Criminal Code, Chapter 15, Part Eight, on Gambling.

The analysis conducted by the author states that in Article 426, specifically in paragraph (1), there are differences regarding imprisonment and fines. The imprisonment in this paragraph has been reduced from a maximum of ten years to a maximum of nine years. For fines, there has also been a change to a larger

one, from a maximum fine of twenty-five million rupiah to a maximum fine according to category VI in Article 79 of the new Criminal Code, namely two billion rupiah.

In paragraph (1) points one to two there is a difference with the previous one, namely the removal of the phrase "intentionally" in it. The author means that in this new Criminal Code if someone intentionally or unintentionally carries out activities offering or giving opportunities will be caught in the crime of gambling and for the third point it is still the same as before. For the second paragraph in this new Criminal Code has the same goal as before, namely the revocation of the right to practice a profession.

The difference is only related to the use of the phrase livelihood and profession which both have the same meaning is work. According to the author, that in Article 427 of the new Criminal Code there is a difference with the previous Criminal Code regulations, namely in the prison sentence and the fine. The difference in the previous prison sentence was a maximum of four years, while in the new Criminal Code the maximum prison sentence was three years, here there is a decrease in the maximum prison sentence and the difference in the fine which was previously a maximum of ten million rupiah, while in the new Criminal Code it is large, namely the maximum fine category III according to Article 79 of the new Criminal Code, amounting to fifty million rupiah.

The author observes that the most striking difference in the new Criminal Code, specifically in Articles 426 and 427, is the fine and imprisonment penalties. The new Criminal Code significantly changes the fines and reduces the prison sentences. Another difference is the phrase "general," which was found in the old Criminal Code; this phrase is absent in the new Criminal Code. Therefore, according to the author, gambling remains a crime regardless of whether it takes place in a public place, on the roadside, or even in the general public, as stated in the old Criminal Code.

According to the author, both the old and new Criminal Codes have not been effective in addressing the rampant online gambling activities currently occurring. This is because the Criminal Code does not specifically address online gambling activities and is more specifically focused on offline or in-person gambling. The new Criminal Code should include elements of criminal activities that occur in the digital world, particularly gambling. Although the new Criminal Code does not directly address online gambling, it should include elements of digital crimes

because the law will always keep up with the times, or in other words, the law always follows guidelines for changes occurring in the social sphere.¹¹.

3.2. Analysis of Law Enforcement of Online Gambling Crimes Linked to Legal System Theory

1. Legal Structure Analysis

The structure includes all the institutions or agencies that play a role in the law enforcement process and their officers, such as the police, lawyers, prosecutors and courts.¹² However, in practice, law enforcement officers often face various challenges due to increasingly sophisticated technological developments, operating in a borderless, anonymous, and easily accessible internet space.¹³, as well as using digital financial systems such as e-wallets, cryptocurrencies¹⁴ Meanwhile, in Indonesia, many law enforcement officers still lack the educational background or adequate expertise in this field. This can hinder the investigative process, leading to loss of evidence, the risk of perpetrators destroying evidence due to its fragility, and limitations in formulating investigative strategies, ultimately hindering the investigation process.

Many gambling sites operate and use servers outside the jurisdiction of Indonesia where gambling is legal, and the existence of organizers or intellectual actors behind online gambling crimes is generally outside national jurisdiction.¹⁵ Meanwhile, domestically, there are only cash flow management units and intermediary agents. Law enforcement efforts in online gambling cases often target only players or are limited to the operator level.¹⁶ As a result, law enforcement efforts limited to domestic entities are partial and fail to address the roots of these criminal organizations. As long as the core organizations remain outside national jurisdiction, comprehensive eradication of online gambling is difficult.

Based on data reported on the National Police Headquarters website, in the 2019-2024 period, the Indonesian National Police (Polri) successfully uncovered 6,386

¹¹Tony Yuri Rahmanto. Law Enforcement Against Electronic Transaction-Based Fraud, *Journal of Legal Research* Vol. 19 No. 1, 2019, p. 34

¹²Suyanto. *Legal Research Methods: An Introduction to Normative, Empirical, and Combined Research*. Gresik: Unigres Press. 2022, p. 33

¹³Setiawati, S., & Ayu Sri Daulat, P. (2022). The Urgency of Special Regulations for online Gambling in Indonesia. *International Journal of Arts and Social Science*, 5(7), Pp. 113

¹⁴ <https://news.detik.com/berita/d-7402033/server-3-situs-judi-online-ada-diluar-negeri-transaksi-pakai-kripto> accessed on February 25, 2026

¹⁵ <https://www.kompas.id/baca/ekonomi/2024/01/02/kominfo-klaim-telah-mengirimteguran-ke-meta> accessed on February 25, 2026

¹⁶<https://www.kompas.id/baca/investigasi/2024/08/02/mengapajudi-online-sulit-diberantas-di-indonesia> accessed on February 25, 2026

online gambling cases with a total of 9,096 suspects, froze 6,081 accounts and blocked 109,520 online gambling sites.¹⁷To address cybercrime, including online gambling, the Indonesian National Police (Polri) established the Cyber Crime Directorate or Dittipidsiber.¹⁸In 2025, as reported by AntaraNews, the National Police's Cyber Crimes Directorate uncovered three major online gambling cases operating nationally and internationally, freezing and confiscating Rp47.04 billion from the H5 GF777 site, Rp1.67 billion from the RGO Casino site, and Rp5.18 billion from the Agen138 site.¹⁹However, despite the success of solving several cases, many online gambling sites continue to emerge and remain untouched by law enforcement, necessitating greater optimization of law enforcement.

To optimize efforts to eradicate online gambling, the government needs to coordinate with relevant ministries and institutions. To curb the spread of online gambling content, the government, through the Ministry of Digital Communication and Informatics (Komdigi), formerly known as the Ministry of Communication and Informatics (Kominfo), is tasked with eradicating online gambling by blocking and taking down websites and applications related to online gambling.²⁰

Based on data published by the Ministry of Communication and Information Technology (Kominfo) in the book "Gambling is an Addiction: An Anti-Online Gambling Guide," the total number of gambling content handled from 2017 to August 1, 2024, was recorded at 3,637,344.²¹ Then, as reported on the Indonesia.go.id website, the total handling and takedown of gambling-related content by Komdigi between 2017 and November 12, 2024, has increased to 5,156,452 (Wisnubroto, 2024). In addition, as reported on the Indonesia.go.id website, Komdigi collaborated with Google, namely 20,842 keywords related to online gambling have been submitted for blocking, with 5,173 keywords of which were blocked between November 2023 and August 2024.²²

¹⁷<https://mediahub.polri.go.id/image/detail/119888-server-judi-online-berada-di-luar-negeri-begini-langkah-polri-menindaklanjutnya>, accessed on February 25, 2026

¹⁸Lewandy, Gunadi, A., & Putra, ET (2024). The Prohibition of Online Gambling in Indonesia: A Law and Economic Analysis. *Indonesia Law Review*, 14(2), p. 5

¹⁹ https://www.antaranews.com/berita/4596406/bareskrim-polri-tetapkan11-tersangka-dalam-tiga-kasus-judol?utm_source=antaranews, accessed on February 25, 2026

²⁰Anggara, MP. Online Gambling in Indonesia: Legal and Technological Challenges. Computer Security Incident Response Team (CSIRT) UNAIR. 2025

²¹Yulianti, R., Negara, RA, Pangat, MSA, Masitoh, HD, Dewinta, NPM, Islami, AS, Aprelo, Y., LR, Purbaningrat, W., Gani, M., Nugraha, A., Pangestu, MAA, NF, BO, Fadiyah, A., & Ardani, R. Gambling is Addictive: A Guide to Anti-Online Gambling. Jakarta: Ministry of Communication and Information Technology of the Republic of Indonesia, 2024, p. 33

²² <https://indonesia.go.id/kategori/editorial/8776/lindungi-buyung-upik-dari-jerat-judidaring?lang=1>, accessed on February 25, 2026

However, blocking or cutting off access to online gambling content is generally ineffective because the number of online gambling sites continues to grow faster than the number of sites that can be blocked. Blocked online gambling sites can reappear with constantly updated domains or IP addresses, and online gambling promotions conducted personally through private messages are difficult to monitor.²³ These sites often disguise their activities by inserting gambling links on seemingly legitimate sites, such as academic domains (.ac.id), organizations (.org), and even poorly managed government sites (.go.id).²⁴

Furthermore, internal issues such as the involvement of certain employees in collaboration with online gambling operators can hamper law enforcement efforts. For example, according to Kompas.id, 11 Komdigi employees, along with four civilians, are suspects in an alleged network of 16 individuals who backed or helped online gambling site operators avoid being blocked.²⁵

In an effort to address online gambling, the government, through Presidential Decree No. 21 of 2024, established the Online Gambling Eradication Task Force on June 14, 2024. The task force will involve the Financial Transaction Reports and Analysis Center (PPATK), Bank Indonesia (BI), and the Financial Services Authority (OJK). The Task Force's term will expire on December 31, 2024, and may be extended.²⁶

The Financial Transaction Reports and Analysis Center (PPATK) is tasked with tracking and investigating suspicious transactions suspected of being related to online gambling. In its 2024 PPATK Semester Report, from January to June 2024, the PPATK identified holding accounts used for online gambling transactions, including deposits, withdrawals, and money laundering. A total of 4,566 accounts with a total balance of IDR 10.3 billion were blocked, and 3,695 individuals were identified as being involved.²⁷ As reported by Kumparan News, in 2024, PPATK analysis showed that the total turnover of online gambling funds reached IDR 359.8 trillion, with IDR 28 trillion transferred via cryptocurrency and IDR 14.73

²³Novianti. Eradicating Online Gambling Content from the Perspective of the Electronic Information and Transactions Law (UU ITE). *Journal of Short Information on Politics, Law, and Security*, Vol. XV(18), 2022, p. 10

²⁴ https://www.kompas.id/baca/ekonomi/2024/10/13/beragam-model-isi-ulang-transaksimulai-dari-lewat-rekening-perbankan-hingga-dompetelektronik?open_from=Search_Result_Page, accessed on February 25, 2026

²⁵<https://www.kompas.id/baca/metro/2024/11/07/judi-onlinekomdigi-uang-rp-75-miliar-dan-puluhan-barang-bukti-disita> accessed on February 25, 2026

²⁶<https://www.komdigi.go.id/berita/artikel/detail/asa-wijaya-kusumawardhana-lanjutkanmisi-berantas-judi-online> accessed on February 25, 2026

²⁷Andriyanto, T., Ferawati, D., Rejeki, DUS, Digdoyo, WA, Prasetyanti, KW, Purwanti, TI, Kristian, OY, Yudo, AH, Larasati, RD, Farid, MM, Saputra, DK, Pertiwi, RP, Siawanta, SD, & Kusuma, AR PPATK Semester Report 2024. Central Jakarta: Financial Transaction Reports and Analysis Center. 2024, p. 57

trillion via foreign exchange (Imam, 2025). Without serious and comprehensive action, this figure could increase and continue to grow rapidly.

2. Legal Substance Analysis

Legal substance encompasses various regulations and laws in Indonesia. In Indonesia, gambling is a crime as stipulated in Articles 426 and 427 of Law No. 1 of 2023 concerning the Criminal Code.

Article 426

1. Any person who does not have a permit shall be punished with a maximum prison sentence of 9 (nine) years or a maximum fine of category VI.
 - a. offering or giving the opportunity to gamble and make it a livelihood or participate in a gambling company;
 - b. offering or giving the public the opportunity to gamble or participate in a gambling enterprise, regardless of whether or not there are any conditions or procedures that must be met in order to use the opportunity; or
 - c. make participating in gambling a livelihood.
- 1) If the criminal act as referred to in paragraph (1) is committed in carrying out a profession, additional penalties may be imposed in the form of revocation of rights as referred to in Article 86 letter f.

Article 427

Any person who uses the opportunity to gamble without permission will be punished with a maximum prison sentence of 3 (three) years or a maximum fine of category III.

The development of information technology has encouraged the emergence of online forms of gambling, which are specifically regulated in Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

Article 27 paragraph (2) of the ITE Law

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

Article 45 paragraph (3) of the ITE Law

"Any person who intentionally and without authority distributes, transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content as referred to in Article 27 paragraph (2) shall be punished with imprisonment for a maximum of 10 (ten) years and/or a maximum fine of IDR 10,000,000,000.00 (ten billion rupiah)."

To ensure compliance of Private User-Generated Content (PSE UGC) Electronic System Organizers with regulations, Komdigi implements the Application and Number Management Administration System (SAMAN) mechanism through the Decree of the Minister of Communication and Information Technology No. 522 of 2024 which came into effect on February 1, 2025. Enforcement of this compliance includes, first through a Takedown Order, but if not complied with, then a Warning Letter 1 (ST1), then a Warning Letter 2 (ST2) with the obligation to pay an administrative fine, a Warning Letter 3 (ST3) with sanctions in the form of blocking or termination of access if not complied with²⁸.

Gambling regulations in Indonesia have not fully accommodated the increasingly sophisticated development of online gambling. Although online gambling is essentially a criminal offense as stipulated in the Criminal Code, the methods, locations, and forms of the crime are quite different, with a higher level of secrecy. It doesn't require a physical location and can be easily accessed via electronic devices, making it difficult for law enforcement to detect.

The differences in the application of sanctions in the Criminal Code (KUHP) and the ITE Law (UU ITE) have the potential to create inconsistencies in law enforcement. The KUHP uses alternative sanctions, while the ITE Law applies cumulative-alternative sanctions, so penalties in the KUHP tend to appear less stringent than those in the ITE Law. Furthermore, the phrase "without a permit" has the potential to be open to multiple interpretations, as if licensed gambling is permitted. This contradicts the provisions of Law No. 7 of 1974, which stipulates that all forms of gambling are prohibited.

Therefore, regulations regarding online gambling in Indonesia need to be refined through revision and harmonization of existing regulations or the creation of new regulations specifically governing online gambling. These regulations must accommodate the increasingly complex developments in online gambling and provide legal certainty in law enforcement.

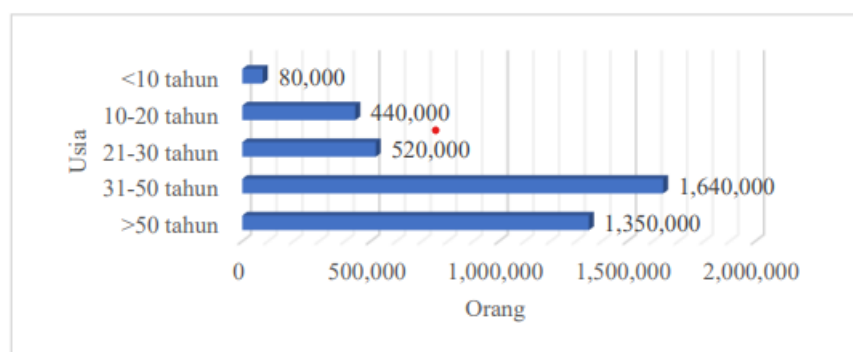
²⁸ <https://indonesia.go.id/kategori/editorial/8960/bersihkanruang-digital-dari-konten-dan-platform-negatif-dengan-saman?lang=1>, accessed on February 25, 2026

1. Legal Culture Analysis

Legal culture reflects society's perception, awareness, and compliance with applicable legal regulations. Online gambling is rampant in Indonesia due to the low level of public awareness of the prohibition on online gambling, despite it being regulated and prohibited by law.

Figure 2.

Data on online gambling players by age group detected in Indonesia as of June 2024



Source: Data Indonesia.id, 2024

4. Conclusion

Online gambling is a form of cybercrime that utilizes information technology and the internet as a medium for committing gambling crimes. The regulation of online gambling crimes under positive law in Indonesia is regulated by Law Number 1 of 2023 concerning the Criminal Code and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law). Law enforcement against online gambling faces various complex challenges. Existing regulations are still partial and have not fully accommodated the cross-border and dynamic nature of cybercrime. Proving online gambling cases relies heavily on electronic evidence that requires digital forensic expertise, such as imaging the perpetrator's device and server, and analyzing electronic activity and transaction logs. This electronic evidence is vulnerable to manipulation and deletion and therefore requires strict security and validation procedures. Law enforcement against online gambling in Indonesia remains hampered by structural, substantive, and legal culture constraints. From a legal substantive perspective, existing regulations do not specifically address online gambling, potentially creating legal uncertainty and disparities in law enforcement. From a legal structural perspective, the limited capacity of law enforcement officials to understand cybercrime and digital technology hinders effective law enforcement against online gambling crimes. From a legal cultural

perspective, public awareness of the prohibition of online gambling remains low. To address online gambling, more specific regulations are needed to accommodate technological developments and the increasingly complex modus operandi of online gamblers. From a structural perspective, the capacity and competence of law enforcement officials must be increased through digital forensics training and cybercrime investigations, as well as regular cyber patrols. Meanwhile, from a legal cultural perspective, education and mass campaigns regarding the dangers of online gambling through seminars and social media need to be strengthened to raise public legal awareness.

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