

Analysis of Harmonization of Law Enforcement Regulations for Online Gambling Criminal Acts Based on Justice Values

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Abstract. *The development of information technology has led to an increase in online gambling crimes, a form of cybercrime that impacts social order and public morals. The purpose of this thesis is to identify and analyze current law enforcement regulations regarding online gambling crimes. To identify and analyze the weaknesses in current law enforcement regarding online gambling crimes. To identify and analyze the harmonization of law enforcement regulations regarding online gambling crimes based on the value of justice. This thesis is of the normative juridical type, using the method of statutory approach, cases, conceptual research specifications are descriptive analysis, secondary data sources are taken from primary legal materials, secondary legal materials, tertiary legal materials, data collection methods through literature studies and analysis techniques using qualitative. The research findings indicate that law enforcement against online gambling operators in Indonesia still faces fundamental problems, particularly the disharmony between the New Criminal Code (KUHP) and the Law on Electronic Information and Transactions (ITE Law), which positions online gambling primarily as an issue of electronic content rather than as an economic and organized criminal offense. As a result, law enforcement tends to be formalistic and has not addressed the structural roots of the crime, thereby reinforcing the classic criticism that the national criminal justice system remains "sharp downward but blunt upward." There are weaknesses in the substance of the law, as the existing regulations do not specifically regulate online gambling. Therefore, a more specific regulatory framework governing online gambling is necessary to accommodate technological developments and the increasingly complex modus operandi of online gambling perpetrators. There are also weaknesses in the legal structure, particularly the limited capacity of law enforcement officers to understand cybercrime and digital technology. One possible solution is to develop training programs and curricula that are relevant to the latest technological developments. Furthermore, weaknesses in legal culture remain evident, as public awareness of the*

prohibition of online gambling is still relatively low. This can be addressed through education and large-scale campaigns on the dangers of online gambling. Public awareness initiatives through seminars and social media should be strengthened to increase legal awareness within society. It is therefore necessary to reformulate or reconstruct the elements of the criminal offense of online gambling under Articles 426 and 427 of Law No. 1 of 2023 concerning the Criminal Code (KUHP), so that online gambling is no longer left in a state of legal uncertainty and no legal vacuum arises following the repeal of Article 45 paragraph (3) of the Law on Electronic Information and Transactions (ITE Law).

Keywords: *Harmonization; Law Enforcement; Online Gambling.*

1. Introduction

The Republic of Indonesia is a state based on law as stated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia, which regulates all aspects of the lives of Indonesian society.¹ Law functions to regulate and protect humans in social life, so the legal system is based on respect for and protection of human beings. In this context, law serves as a means to protect human interests and therefore must be enforced and implemented effectively. Law enforcement must proceed normally and peacefully, and adhere to three basic legal values: justice, utility, and legal certainty.²

The development of information and communication technology has brought about significant changes in various aspects of society, including the emergence of new forms of crime that are difficult to address by the law. One increasingly widespread and disturbing form of crime is online gambling. Online gambling itself is defined as betting or gaming activities conducted over the internet, where money or valuables are wagered in various forms of gambling. These types of gambling include, but are not limited to: sports betting, online casino games, online lotteries and bingo, and esports betting.³

Data from the Financial Transaction Reports and Analysis Center (PPATK) shows that in the first quarter of 2025, the value of online gambling transactions in Indonesia reached IDR 6.2 trillion and is estimated to reach IDR 1,200 trillion by the end of 2025, with approximately 8.8 million players.⁴ In addition, the Ministry

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

²Sudikno Mertokusumo, Understanding the Law: An Introduction. Liberty. Yogyakarta, 2010

³ <https://www.djkn.kemenkeu.go.id/kpknl-metro/baca-artikel/17352/BIJAK-FINANSIAL-MENGHINDARI-PERANGKAP-JUDI-ONLINE.html> accessed on May 11, 2026

⁴https://www.ppatk.go.id/siaran_pers/read/1474/ accessed on May 11, 2026

of Communication and Digital noted that more than 1.3 million pieces of online gambling-related content were blocked from October 2024 to May 2025.⁵

Normatively, gambling has been prohibited through Article 426 and Article 427 of Law Number 1 of 2023 concerning the Criminal Code (KUHP), which states as follows:

Article 426 of the Criminal Code

(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.

(2) 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.

2. Research Methods

The type of research used in this thesis is normative juridical legal research. This research aims to gain legal knowledge regarding applicable laws and regulations, as well as legal principles, doctrine, and jurisprudence.⁶

3. Results and Discussion

3.1. Law Enforcement Regulations for Online Gambling Crimes Based on Justice Values

3.1.1. Regulation of Legal Provisions for Online Gambling 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

⁵<https://www.komdigi.go.id/berita/siaran-pers/detail/transaksi-judi-online> accessed on May 11, 2026

⁶Soerjono Soekanto, 1986, Introduction to Legal Research, UI Press, Jakarta, p. 51.

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.

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

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

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

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

a. Law Number 1 of 2023 concerning the 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 ten billion 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 imprisonment and fines. The difference in the previous imprisonment was a maximum of four years, while in the new Criminal Code the maximum imprisonment was three years, here there is a decrease in the maximum imprisonment 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.¹⁰.

b. Regulations in the Information Technology and Electronics Law

The Electronic Information and Transactions Law Number 11 of 2008 (ITE Law) was enacted on April 21, 2008. The ITE Law can be considered a development in legal regulation in Indonesia, as previously there was no regulation regarding

¹⁰Tony Yuri Rahmanto. Law Enforcement Against Electronic Transaction-Based Fraud, *Journal of Legal Research* Vol. 19 No. 1, 2019, p. 34

digital crime. The ITE Law has also undergone two amendments, the first in 2016 and the second in 2024.

The second amendment to the ITE Law into Law Number 1 of 2024 is motivated by the legal need to maintain the digital space in Indonesia in accordance with the law. The development of electronic media in Indonesia includes smartphones with sophisticated capabilities, social media that increasingly have increasingly advanced features, such as Facebook, X, Instagram to TikTok, the emergence of media streaming services such as YouTube, Netflix, Viu, and so on, to the current hot topic of discussion is the development of AI (Artificial Intelligence) which without us realizing it, with the development of this technology also creates even greater challenges for the government in eradicating cybercrime, especially in gambling.¹¹.

It's undeniable that online gambling can also promote its sites through the aforementioned electronic media, from photos to videos. The misuse of these media is an urgent matter that the government should pay closer attention to in eradicating online gambling, which is becoming increasingly rampant in terms of types and sites.

Article 27 paragraph (2) regulates digital crimes involving gambling. This regulation specifically addresses online gambling. Previously, gambling regulations were generally regulated in the Criminal Code. The ITE Law makes online gambling even more specific, in accordance with the principle of *lex specialis derogate lex generali*, which states that any law with a special nature overrides any law with a general nature.¹².

The article contains several elements that the author will analyze one by one. The phrase "every person," which means that anyone who gambles is considered a criminal offense, is also included in the crime. The phrase "intentionally," which means that those who gamble do so intentionally or with full awareness of their actions, is also included.

Next, there is the term "distribute," which means the act of sending or disseminating electronic information to various people or parties using an electronic system. Then there is the term "transmit," which means sending electronic document information to another person or party using an electronic system. Furthermore, there is the phrase "make accessible," which means any electronic activity that allows another person or party to browse or access all

¹¹Samuel Marpaung, et.al. 2024. Challenges for Society in Understanding and Using Electronic Media Wisely in Accordance with the ITE Law, *Collaborative Journal of Science* Vol. 7 No. 1, p. 464

¹²Wahyu Tris Haryadi. Enforcement of Online Gambling Law Based on the Implementation of the Criminal Code and Law No. 19 of 2016 Concerning Amendments to Law No. 11 of 2008 Concerning Electronic Information and Transactions, *Journal of Islamic Economics and Law* Vol. 13 No. 2, 2019, p. 121

exposed information. Finally, there is the phrase "gambling content," which refers to any activity involving betting, either money or property, to gain more money or property than originally wagered.

Therefore, if the above elements are combined, it means that anyone who engages in activities involving gambling, with full awareness or intentionally disseminates related information to many people or parties, or who causes information to be known to many people through an electronic system. According to the author, the ITE Law already describes the prohibition of any activity involving gambling, but the author regrets the phrase "intentionally" included in the above regulation. This phrase explains that people who engage in activities involving gambling are aware of what they are doing and are aware of the future consequences of their actions. Therefore, the author believes that this phrase should be removed so that people who engage in gambling activities, whether intentionally or unintentionally, can be considered a crime.

In Article 45 paragraph (3) of the ITE Law, the article discusses the elements of criminal aggravation. If the author relates Law Number 1 of 2024 with the previous ITE law, there is an increase in the elements of imprisonment and fines. Previously, the regulations of ITE Law Number 11 of 2008 and Number 19 of 2016 stated that the maximum prison sentence was six years and/or a maximum fine of one billion rupiah, while in ITE Law Number 1 of 2024 it states that the maximum prison sentence was ten years and/or a maximum fine of ten billion. There is a very striking difference which, according to the author, is appropriate to add regarding criminal aggravation in order to provide a deterrent effect to people who carry out online gambling activities.

3.1.2. Implementation of Law Enforcement Against Online Gambling Crimes

a. Study of Decision Number 142/Pid.Sus/2026/PN Jkt.Sel

The defendant with the initials AS is suspected of having carried out online gambling via an overseas site. The defendant played slots. The defendant was charged by the Public Prosecutor with committing acts prohibited in Article 427 of Law No. 1 of 2023 concerning the Criminal Code in conjunction with Article 45 paragraph (3) of Law No. 1 of 2024 concerning the ITE Law.

The legal facts revealed during the trial legally and convincingly proved that the defendant had engaged in online gambling through an overseas website. The defendant played slots from November 2025 to January 2026, with a total deposit of IDR 18,700,000 via the Dana app.

Based on the verdict, the panel of judges found the defendant guilty and imposed a sentence based solely on Article 427 of the Criminal Code. The digital aspect, or the act being committed through electronic media, was not substantively considered by the panel of judges.

Based on the author's analysis of the South Jakarta District Court Decision Number 142/Pid.Sus/2026/PN Jkt.Sel. The panel of judges should prioritize the ITE Law as *lex specialis*. This principle is regulated in Article 63 paragraph (2) of the Criminal Code which reads: "If an act falls within a general criminal rule, which is also regulated in a special criminal rule, then the special one shall apply."

The defendant's actions were "using the opportunity to gamble" via an "internet site." Article 427 of the Criminal Code is a general rule that regulates gambling in general, both offline and online. Meanwhile, Article 27 paragraph (2) of the ITE Law in conjunction with Article 45 paragraph (3) is a special rule that specifically regulates "distributing/making accessible gambling content via electronic systems."

By relying solely on the Criminal Code, the panel of judges disregarded fundamental legal principles in criminal law. This created legal uncertainty and ignored the principle of *lex specialis* by failing to use the ITE Law as the primary basis for online gambling offenses.

b. Study of Decision Number 16/Pid.Sus/2024/PN JKT.Sel

In this context, researchers will examine several court decisions to assess the appropriateness of the applied legal basis to the elements of online gambling crimes. Furthermore, this study aims to analyze whether the judge's legal considerations in the law enforcement process have provided a sense of justice for the defendant, as outlined in Decision Number 16/Pid.Sus/2024/PN JKT.Sel below:

1) Position Case

This case began when Defendant SS alias P was involved in activities related to the operating system of an online gambling site called Paywin888. Based on the trial facts, the Defendant's involvement began in June 2023 when he met with someone named T, who was later identified as a fugitive. The meeting resulted in a business agreement in which the Defendant deposited funds of Rp. 35,000,000, and was given the obligation to provide operational funds of up to Rp. 100,000,000 to be able to run the project. After the transfer was made, the Defendant understood that the business being offered was online gambling activities using the Paywin888 site. Nevertheless, the Defendant continued to run the business because he had invested the initial capital. Gambling operations were carried out through a system that allowed funds from players to be transferred to a specific account designated by T, while the Defendant played a role in ensuring the smooth management of funds and the site's operations.

2) Indictments and Charges

The Public Prosecutor submitted an alternative indictment, which gives the Panel of Judges the option to apply the most appropriate indictment. The first indictment states that the Defendant intentionally and without authority distributed, transmitted, or made accessible Electronic Information containing gambling content, as regulated in Article 45 paragraph (2) in conjunction with Article 27 paragraph (2) of the ITE Law.

In its indictment, the Public Prosecutor stated that all elements of the first indictment had been legally and convincingly proven. The Public Prosecutor demanded that the Defendant be sentenced to 1 year in prison, accompanied by a fine of Rp100,000,000, subsidiary to 3 months in prison. The Public Prosecutor also demanded that evidence, including mobile phones and ATM cards related to gambling transactions, be confiscated and destroyed. Legally, the Public Prosecutor emphasized that the Defendant's actions fall into the category of organizing gambling content which is prohibited by Indonesian positive law, specifically the provisions of the ITE Law which regulates the protection of digital space from illegal activities.

3) Judge's Legal Considerations

The Panel of Judges first assessed the fulfillment of the "every person" element, which refers to a legally competent and responsible subject, as evidenced by the Defendant's identity and mental health, which demonstrated his ability to provide consistent testimony in court. Furthermore, the "intentionally and without right" element was declared fulfilled because the Defendant knew and understood that the activity he was carrying out was online gambling, yet continued to carry it out because of a profit motive, as evident from his capital deposit process and active involvement in managing the Paywin888 site.

The next element, namely "distributing, transmitting, or making accessible electronic information containing gambling content," was also deemed fulfilled because the trial evidence showed that the Defendant knowingly operated the Paywin888 gambling site, including providing access for players to conduct gambling transactions through the platform. The panel of judges found no justification or excuse, and therefore the Defendant was deemed fully responsible for his actions.

4) Verdict

Based on all legal considerations, the Panel of Judges declared that the Defendant was legally and convincingly proven to have committed the crime of "intentionally making accessible Electronic Information containing gambling content" according to the first alternative charge. Therefore, the Defendant was sentenced to 8 months imprisonment and a fine of IDR 100,000,000, which if not paid was replaced with 1 month imprisonment. The period of detention that the Defendant has served is counted as part of the sentence, and the Defendant is

still ordered to be in detention. In addition, evidence in the form of screenshots of the Paywin888 website, ATM cards, Samsung Note 20 Ultra mobile phones, and SIM cards are determined to be destroyed. The Defendant is also burdened with paying court costs of IDR 5,000.

3.2. Current Weaknesses in Law Enforcement Against Online Gambling Crimes

3.2.1. Analysis of Legal System Theory in Weaknesses of Law Enforcement Against Online Gambling Crimes

a. Weaknesses in the Legal Structure for Law Enforcement Against Online Gambling Crimes

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.¹³ 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.¹⁴, as well as using digital financial systems such as e-wallets, cryptocurrencies¹⁵ 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.¹⁶ 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.¹⁷ 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.

¹³Suyanto. *Legal Research Methods: An Introduction to Normative, Empirical, and Combined Research*. Gresik: Unigres Press. 2022, p. 33

¹⁴Setiawati, 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

¹⁵ <https://news.detik.com/berita/d-7402033/server-3-situs-judi-online-ada-diluar-negeri-transaksi-pakai-kripto> accessed on February 25, 2026

¹⁶ <https://www.kompas.id/baca/ekonomi/2024/01/02/kominfo-klaim-telah-mengirimteguran-ke-meta> accessed on February 25, 2026

¹⁷<https://www.kompas.id/baca/investigasi/2024/08/02/mengapajudi-online-sulit-diberantas-di-indonesia> accessed on February 25, 2026

Based on data reported on the National Police Headquarters website, in the 2019-2024 period, the Indonesian National Police (Polri) successfully uncovered 6,386 online gambling cases with a total of 9,096 suspects, froze 6,081 accounts and blocked 109,520 online gambling sites.¹⁸To address cybercrime, including online gambling, the Indonesian National Police (Polri) established the Cyber Crime Directorate or Dittipidsiber.¹⁹In 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.²⁰However, 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.²¹

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.²²

In an effort to deal with online gambling, the government, through Presidential Decree No. 21 of 2024, established the Online Gambling Eradication Task Force on June 14, 2024, tasked with handling online gambling by involving the Financial Transaction Reports and Analysis Center (PPATK), Bank Indonesia (BI), and the Financial Services Authority (OJK).²³

¹⁸<https://mediahub.polri.go.id/image/detail/119888-server-judi-online-berada-di-luar-negeri-begini-langkah-polri-menindaklanjutnya>, accessed on February 25, 2026

¹⁹Lewiandy, Gunadi, A., & Putra, ET (2024). The Prohibition of Online Gambling in Indonesia: A Law and Economic Analysis. *Indonesia Law Review*, 14(2), p. 5

²⁰ https://www.antaranews.com/berita/4596406/bareskrim-polri-tetapkan11-tersangka-dalam-tiga-kasus-judol?utm_source=antaranews, accessed on February 25, 2026

²¹Anggara, MP. Online Gambling in Indonesia: Legal and Technological Challenges. Computer Security Incident Response Team (CSIRT) UNAIR. 2025

²²<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

²³<https://www.komdigi.go.id/berita/artikel/detail/asa-wijaya-kusumawardhana-lanjutkanmisi-berantas-judi-online> accessed on February 25, 2026

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.²⁴As reported by Kompas 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 trillion via foreign exchange (Imam, 2025). Without serious and comprehensive action, this figure could increase and continue to grow rapidly.

b. Weaknesses in the Substantive Law Enforcement of Online Gambling Crimes

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.

(2) 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.

²⁴Andriyanto, 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

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 with²⁵.

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

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

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.

2. Efforts to Address Weaknesses in Law Enforcement Against Online Gambling Crimes

An effort to enforce crime through rational criminal law enforcement, namely fulfilling a sense of justice and effectiveness. In the context of enforcing crime, namely means as a reaction that can be given to perpetrators of crime, in the form of criminal means or non-criminal law, which can be integrated with one another. If criminal means are called for enforcing crime, it means that criminal law will be implemented, namely holding elections to achieve criminal legislation results according to various circumstances and situations at a time and for the future. An effort to enforce crime through rational criminal law enforcement, namely fulfilling a sense of justice and effectiveness.

In the context of enforcing crime, namely means as a response that can be given to perpetrators of crime, in the form of criminal and non-criminal law means, which can be integrated with one another. If criminal means are called upon to enforce crime, it means that criminal law will be implemented, namely holding elections to achieve criminal legislation results according to various circumstances and situations at a certain time and for the future.

What crime prevention policy should be implemented with non-penal means? Basically, it only includes the use of social means to improve certain social conditions, but indirectly influences efforts to enforce the occurrence of crime. In order for the legal system to function, there needs to be integration between legal substance, legal structure, and legal culture.

Criminal action prevention efforts are an effort to overcome crime through the enforcement of criminal law, which is rational, namely fulfilling a sense of justice and effectiveness. In order to overcome crime, various means as a reaction that can be given to perpetrators of crime are preventive and repressive, which can be integrated with one another. If criminal means are called upon to overcome crime, it means that criminal law policy will be implemented, namely holding elections to achieve criminal legislation results that are appropriate to the circumstances and situations at a certain time and for the future.²⁶

²⁶Sudarto. *Selected Chapters on Criminal Law*, Alumni, Bandung, 1986, pp. 22-23

The essence of law enforcement is that it is part of legal policy regarding crime occurring in the social environment, inseparable from public policy. It is implemented within the criminal justice system, thus serving a dual function. Law enforcement, on the one hand, plays a role in controlling crime, while on the other, it can prevent or reduce crime.²⁷

a. Efforts to address weaknesses in the legal structure

Conducting regular recruitment and training to increase the number of personnel with specialized expertise in handling cybercrime. Here, law enforcement agencies collaborate with educational institutions to develop training programs and curricula relevant to the latest technological developments.

This can support the ability of individual law enforcement officers to carry out their duties. The government can also provide incentives or rewards for personnel with specialized skills to attract and retain talent in the technology sector and their expertise in apprehending online gambling perpetrators.

Human resources in the effort to eradicate online gambling crimes are an important factor, because if there is a lack of understanding and mastery of personnel in the information technology sector, it can affect the performance of police officers in eradicating cyber crime, because online gambling relies heavily on internet facilities as a means of carrying out its criminal actions.

Furthermore, increase the budget for the procurement of sophisticated and cutting-edge information technology equipment. By collaborating with the private sector to gain access to and utilize the latest technology in combating cybercrime, law enforcement agencies can not only develop integrated internal systems and applications to support investigations and prosecutions, but also improve the tools they utilize in carrying out their duties as law enforcement agencies.

b. Efforts to address weaknesses in legal substance

The solution to curbing online gambling involves various efforts, primarily based on an established legal framework. The Criminal Code (KUHP) and the Electronic Information and Transactions (ITE) Law provide a strong foundation for upholding justice and protecting the public from the negative impacts of online gambling. With this legal basis, the government and law enforcement have a clear basis for prosecuting online gambling perpetrators.

c. Efforts to address weaknesses in legal culture

²⁷J. E Sahetapy in Abdul Wahid, 2002, *Contemporary Criminology and Crime*, Faculty of Law Publishing Institute, Unisma, Malang.

Addressing the culture of online gambling requires a comprehensive approach, from blocking access and educating about the dangers to psychological recovery for victims of addiction. This includes decisive action at the individual level, family support, and consistent government policies.

4. Conclusion

Based on the research results and discussion in this thesis, the following conclusions can be drawn: 1. Law enforcement regulations for online gambling crimes are regulated in Article 426 and Article 427 of Law Number 1 of 2023 concerning the Criminal Code and Article 27 paragraph (2) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. There is disharmony between the New Criminal Code and the Electronic Information and Transactions Law which positions online gambling as an electronic content issue rather than a criminal economic crime. As a result, law enforcement is carried out in a formalistic manner and has not touched the structural roots of needs, thus strengthening the classic criticism that national criminal law still shows a sharp downward and blunt upward tendency. 2. Weaknesses in law enforcement against online gambling crimes currently include weaknesses in legal substance. Existing regulations do not specifically address online gambling. Efforts that can be made include the need for more specific regulations governing online gambling to accommodate increasingly complex technological developments and the modus operandi of online gamblers. Weaknesses in the legal structure, limited capacity of law enforcement officers in understanding cybercrime and digital technology, require the development of training programs and curricula relevant to the latest technological developments. Weaknesses in legal culture, low public awareness of the prohibition of online gambling, require strengthening education and mass campaigns about the dangers of online gambling through seminars and social media to raise public legal awareness. 3. Harmonization of law enforcement regulations for online gambling crimes based on the value of justice, namely by reconstructing the elements of online gambling crimes into Article 426 and Article 427 of Law No. 1 of 2023 concerning the Criminal Code, so that online gambling is no longer in limbo and there is no legal vacuum after the revocation of Article 45 paragraph (3) of the ITE Law.

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