

**IMPLICATIONS OF CRIMINAL LAW IN LAW ENFORCEMENT AGAINST
ONLINE GAMBLING PERPETRATORS IN INDONESIA**

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ABSTRACT

The development of information technology has encouraged the rise of online gambling practices that are increasingly difficult to control and have a negative impact on the moral, social, and economic of the community. Online gambling is a form of criminal offense that is prohibited by Indonesian law, both in the Criminal Code (KUHP), the Information and Electronic Transactions Law (UU ITE), and the Money Laundering Law (TPPU). Law enforcement against online gamblers includes criminal penalties in the form of imprisonment, fines, and confiscation of assets obtained from gambling proceeds. This study aims to analyze the legal basis and form of criminal responsibility for online gambling perpetrators, as well as highlight the importance of synergy between law enforcement in eradicating this digital crime. With a juridical normative approach, this study shows that the Indonesian legal system has provided a strong foundation to ensnare online gambling perpetrators as a whole, including organizers, players, and parties involved in the flow of gambling funds.

Keywords: Online Gambling, CRIMINAL CODE, ITE LAW, TPPU

INTRODUCTION

Technological developments are often considered a progress that is considered positive in people's lives. The technology that currently exists in society provides a lot of convenience in people's lives. Things that used to have to go through a long process can now be completed easily. One of them is the development of technology in the field of communication such as *mobile phones*. *Cellphones* that existed in the past could only be owned by certain people, not to mention that the specifications of *cellphones* were very limited to just phones. In its current development, *mobile phones* are one of the main communication tools that are almost owned by all people without exception. When viewed in terms of its current benefits, mobile phones can not only be used to communicate via voice, but can also send text messages, send pictures and even now mobile phones have been designed in such a way as to become the main tool for people to depend on their lives starting from working, communicating and also doing things such as playing online games and so on.

Modernization that grows and develops in society does not only have a positive impact. The development of technology that exists today also affects the development of crime in society. Crime also grows along with technological developments. Many crimes that occur are getting easier to do by utilizing technology such as online fraud, data breaches, and even online gambling. This crime also has a very wide impact on society because it is easy for criminals to carry out their actions because of the support of technology. In this case, digitalization is not a progress but poses a serious threat to the development of the

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nation. Quoted from rri.co.id, the phenomenon of online gambling is so rampant that it becomes a threat to the nation because the target is no longer adults, but also teenagers and even children who are currently feeling the benefits of technological developments, namely the use of smartphones. Most online games played by teenagers are inserted into several games that seem simple, namely by inserting disguised gambling mechanisms such as spin wheels, hockey cards or guessing numbers. The mode is that players are given free points or coins to try and definitely get lucky at the beginning. In terms of mindset, they will be interested in getting more out of the game but have to top up with real money to get a bigger chance of winning. This will have a negative impact, especially for children and adolescents who have not earned an income.⁴

Online gambling, which will initially harm individuals themselves, will actually have an impact on society and also the nation's economy. Budi Arie as the Minister of Communication and Information in Press Release No. 590/HM/KOMINFO/09/2024 stated "Online gambling not only destroys the family economy, but also the economy of society and the country. Including the impact by reducing people's purchasing power so as to disrupt our economic foundation". In addition to what was conveyed by the Minister, online gambling addiction can also cause other crimes to fulfill the desire to get money playing online gambling. The thing that disturbs our economic stability the most is because most of the people who play online gambling are small people or the lower middle class who want to find a better life even though online gambling is a pseudo-victory created by its creator to spend a lot of money for the perpetrator.

Another impact of online gambling is the state losses that occur because people's money that revolves around online gambling does not generate taxes so that the state does not get any results from online gambling. In addition, it causes financial losses for individuals so that the purchasing power of a good will decrease and cause economic instability. Law enforcement against online gambling cases has often been carried out in Indonesia, but instead of decreasing, online gambling perpetrators are becoming more and more prevalent. The lack of public awareness of the existence of online gambling activities around them is one of the causes of non-optimal law enforcement in this case. Not to mention that law enforcement apparatus and officials are also involved in hiding these cases. Based on the description above, the author wants to conduct research on the implications of criminal law on the enforcement of online gambling in Indonesia.

METHOD

This research uses a type of normative legal research with a statutory approach (*statue approach*), namely examining and analyzing the rules in or outside the Criminal Code related to gambling crimes. Furthermore, the conceptual *approach* is by utilizing legal materials consisting of primary, secondary and tertiary legal materials, all three of which are collected by document study techniques. All legal materials that have been collected will

⁴ Dwi Ayu Kusumowati Masani, 2025, "Beware, the Threat of Online Gambling Under the Guise of Online Games" is available on [the website https://rri.co.id/nabire/ipitek/1542320/waspada-ancaman-judi-online-berkedok-game-online](https://rri.co.id/nabire/ipitek/1542320/waspada-ancaman-judi-online-berkedok-game-online) accessed on May 28, 2025 at 17.22 WITA.

then be discussed qualitatively where the relevant legal materials produce a conclusion that answers the problems posed.

RESULTS AND DISCUSSION

Enforcement of Gambling Crimes in Indonesia

Gambling as a form of disease that grows and develops in people's lives, especially the lower middle class. Gambling games contain several elements so that they can be said to be an act of gambling such as the hope of winning, the nature of luck is only and the hope increases because of the player's intelligence and habits⁵. Efforts to prevent gambling crimes have been regulated as in Law Number 7 of 1974 concerning Gambling Control as one of the rules to improve the articles in the Criminal Code. In the Criminal Code, the crime of gambling is regulated in Articles 303 and 303 bis. Article 303 of the Criminal Code is written as follows: "Threatened with imprisonment for a maximum of ten years or a fine of up to twenty-five million rupiah whoever without permission:

1. Knowingly offering or providing opportunities for gambling games and making them for a livelihood, or knowingly participating in such business activities;
2. Intentionally offering or giving opportunities to the general public to gamble or intentionally participating in such business activities, regardless of whether to use the opportunity of a condition or the fulfillment of an ordinance;
3. Making participating in gambling games a livelihood.
 - 1) If the person who is guilty of carrying out these activities in carrying out his livelihood, then his right to carry out his livelihood can be revoked.
 - 2) The so-called gambling game is every game, where in general the possibility of making a profit depends on mere luck, also because the player is more trained or more proficient. This includes any bets on Decisions or other games that are not held between those who are competing or playing, as well as any other bets."

Then gambling criminal activities are also contained in article 303 bis which is formulated as follows:

1. "Threatened with imprisonment for a maximum of four years or a maximum fine of ten million rupiah;
2. Anyone who uses the opportunity to gamble, which is held in violation of the provisions of article 303;
3. Anyone who participates in gambling on public roads or on the side of public roads or in places that can be visited by the public, unless there is permission from the competent authority who has given permission to hold such gambling.
4. If the offense has not passed two years since there has been a conviction that becomes permanent because of one of these violations, it can be subject to imprisonment for a maximum of six years or a fine of up to fifteen million rupiah."

It can be formulated that these two articles have different scopes. Article 303 of the Criminal Code more specifically discusses the act of gambling as an agent or making an offer without a license, while Article 303 Bis as a perpetrator who commits a gambling crime is facilitated by Article 303 of the Criminal Code. Law enforcement is essentially one part of criminal politics which becomes an integral part of social policy, which is then poured into the criminal justice system. Conceptually, Soerjono Soekanto⁶ Put forward the theory

⁵ Gerald Wane, "Legal Studies on the Crime of Gambling (Application of Articles 303, 303 BIS of the Criminal Code)", (2016), *Journal of Lex Crimen* Vol. V/No.3, 30 - 38

⁶ Soerjono Soekanto, 2006, *Principles of Legal Sociology*, Print 1, Jakarta, PT Raja Grafindo, p. 110.

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of law enforcement which consists of values used to create, maintain and maintain peace. Some of the factors that affect law enforcement include:

1. Statutory Factors

Regulations regarding gambling crimes are not only in the Criminal Code but also in Law No. 7 of 1974 concerning Gambling Regulation, but in this regulation there is no specific regulation related to the abuse of technology to carry out gambling.

2. Law Enforcement Factors

The success of the criminal law mission to tackle gambling offenses is not only determined by the perfection of the formulation of the legal postulate formulated in positive law, but its success depends very much on the apparatus that implements it (law enforcement); starting from the level of investigation to the level of execution. This is due to the distinctive characteristics of gambling offenses as a conventional criminal act. As a logical consequence, law enforcement officials must have more ability and moral courage in handling gambling offenses and law enforcement officials are required and tested to make legal discoveries (*rechtvinding*), *so that there is no classic reason that states behind the principle of narrow legality that the laws and regulations are incomplete or there is no legislation that regulates them*

3. Supporting Infrastructure Factors and Infrastructure

This factor can be said to be the backbone of law enforcement against gambling offenses. Because its existence is a support for success in finding a material truth. Harmonious cooperation between law enforcement agencies and several experts and specialists in their fields such as forensic experts, telematics experts and adequate operational funds is a supporting factor to crack down or narrow the space for movement of perpetrators of gambling offenses.

4. Culture Factors of Community Law

The cultural factor of the community's law also has an influence and plays an important role in the law enforcement process against gambling offenses. Legal cultural pluralism in society is a unique phenomenon and contains potential risks, so it often puts the position and profession of law enforcement officials into a dilemmatic condition, which in turn can cause ambivalence in carrying out their role in society. Community compliance with the law, social discipline, non-heeded of social ethics, easy for members of the community to be tempted by something in the form of gambling that offers uncertain profits.

Based on the description above, it shows that a law and regulation that although has been prepared neatly, clearly and in detail regulates and sanctions, if the supporting factors such as the law enforcement apparatus are firm and unwavering in the application of the law, complete facilities and infrastructure and also the culture of the Indonesian people that are not easily tempted and also supervise the existence of deviations from the law, So law enforcement in gambling crimes will run optimally. It is seen that the effectiveness of the law against criminal acts does not only lie in the efficiency and effectiveness of the performance of each criminal justice sub-system. But also social support from the community itself.

In order to overcome the crime of gambling, it needs to be balanced with the improvement and development of the criminal law system as a whole in the form of

legislative policies or known as formulation policies or criminal policies, as stated in the previous chapter that criminal policy formulates and establishes criminal sanctions in laws and regulations, It can also be referred to as the formulation policy stage ⁷. The formulation policy has a very strategic position when viewed from the overall policy of operationalizing the criminal law. At this stage, the policy line of the criminal and penal system is formulated which is also the legislative basis for the next stages, namely the stage of criminal application by the court and the stage of criminal implementation by criminal enforcement officials

Implications of Criminal Law in Law Enforcement Against Online Gambling Actors

Technological advancements that are getting faster and faster have turned out to have many negative impacts that can threaten the stability of the lives of the country's people. The development of crime is also faster by taking advantage of existing technological advances. Crimes that develop with the flow of technology include gambling, fraud, harassment and many more. Online gambling is one of the many crimes that afflict people with the lure of sudden riches by risking a certain amount of money⁸. Human behavior and habits that like to pit luck and luck against each other through games have occurred throughout the history of human civilization, this kind of behavior occurs in all walks and strata of society, from the rich to the poor, from gambling with small risks to risking something big. Gambling is one of the problems in society that is very difficult to eliminate, in this case gambling is considered to have a bad impact, especially on the gambler himself and for the people around him.

Along with the development of information technology, a new crime has emerged that is rampant in society, namely gambling that is carried out online. Online gambling is categorized as *a cyber crime* because in committing its crimes, *online* gambling uses computers and the internet as a medium to commit the crime of gambling. Gambling is basically contrary to the norms of religion, morality, and morality of Pancasila, and can be detrimental to the survival of society, nation and state. The uncertainty of victory makes the desire to win which is the motivation for the players to play inexhaustibly curious and spend the treasures they have without thinking. So from this we know that no player is rich in the end from *the results of online gambling*.

Winnings in *online* gambling are claimed to only bring profits to online bookies, slot admins, influencers who are paid to advertise and promote the online gambling . That fact cannot be hidden, because from one of the comments it was explained that his younger brother who works as an online gambling website technician gets a double-digit bonus more than the salary he receives every month⁹. This statement is enough to provide a basis for understanding that online gambling games are indeed just a trap to impoverish their players¹⁰. The impact on *online gambling* on gadget users will certainly be material or financial will

⁷ Muhammad Saputra & Pranoto, "Prevention of Online Gambling Crimes" *Journal of Law and Justice* 2 (1), 20-30.

⁸ Coresy, Grace and Saleh, "Liability for Violation of the Principle of Confidentiality in Electronic Deeds When Linked to the Law on Notary Positions and the Law on Information and Electronic Transactions (2020) Rule of Law: Journal of Legal Studies 9(1), 1-11.

⁹ Addiyansyah & Rofiah, "Online Gambling Addiction among Adolescents in West Cilebut Village, Sukaraja District, Bogor Regency, *Journal of Communication, Politics and Culture*, 1 (1), 13-22.

¹⁰ Peni Sarijuddin Mappolean, et al, *Online Game Activities of Generation Z Based on Islamic Happiness and Welfare Theory in Slot Game Applications* , Vol 6 No 3/November/2024, 499

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be exhausted and when holding a lot of money there will be a sense of wanting to do online gambling again, so it is not surprising that many cases occur both on social media and news about *online* gambling. The person is depleted materially and depleted, meaning that gadget users who are addicted to *online* gambling will be persistent and difficult to release when addicted to *online gambling*, even the money they have runs out and even borrows money to do online gambling. When the money borrowed to play *online* gambling can no longer be paid, then people briefly think about suicide.

Law Number 7 of 1974 concerning Gambling Regulation is a form of formulation and determination of criminal sanctions by lawmakers. As a formulation policy for practical interests for law enforcement officials in dealing with problems related to gambling crimes. Another intention of the lawmakers in formulating basic provisions regarding the determination of the problem of gambling as a crime based on the idea of gambling is contrary to the religion, morality, and morals of Pancasila, and dangerous to the livelihood and life of the community, nation, and state. In this rule, gambling is essentially contrary to religion, morality and the life of the community, nation and state. Article 1 of the Gambling Control Law states that "declares all gambling crimes as crimes" so that gambling carried out both offline and online is a crime.

Based on the above provisions, online gambling is a criminal offense. A criminal act is defined as an act that violates the law or the provisions of a criminal act, if violated, strict and real sanctions will be imposed. *Cyber crime* is defined as an illegal activity with computer intermediaries carried out through an electronic network. Human behavior and habits that like to pit luck and luck against each other through games have occurred throughout the history of human civilization, this kind of behavior occurs in all walks and strata of society, from the rich to the poor, from gambling with small risks to risking something big. Gambling is one of the problems in society that is very difficult to eliminate, in this case gambling is considered to have a bad impact, especially on the gambler himself and for the people around him.

The crime of gambling is a criminal act that is commonly committed by many people because of the influence of the mindset that gambling can make people rich suddenly. The practice of gambling from day to day is actually increasingly occurring among people ranging from the lower to the upper class, even gambling does not look at age and is carried out by adults and even children. Gambling is a criminal act that we often encounter among the community, in general gambling is often done in the community in a clandestine way. The crime of gambling has entered a very worrying stage among the public or students, especially online gambling through websites that are easy to access on the internet. This starts from sports matches, especially football, which are added to the betting element. Gambling can be an obstacle to national development with a material-spiritual aspect and educate people to make an unreasonable living and form a "lazy" disposition¹¹.

Gambling in Indonesia is a criminal offense so everyone involved in the act will be subject to sanctions. Online gambling is carried out with internet media which initially has to make a deposit through a certain ATM on an account that has been created according to the desired nominal. The principles in a gambling game in general have similarities, namely aiming

¹¹ Kanda & Nurdiansyah, 2024, "The Dangers of Online Gambling: Social, Economic, and Health Impacts". *Student Scientific Creativity Journal*, 4 (1), 1-15.

to make a profit if you win a bet. The greater the value of the money or goods at stake, the greater the money that can be obtained as a winning prize. Therefore, by playing gambling, thoughtful people can meet their life needs. There are even people who make gambling as their livelihood, which aims to meet the economic needs of the community, and there are also by opening various gambling games for others to play. Online Gambling itself is a gambling game through electronic media with internet access as an intermediary.

The Government of Indonesia regulates gambling issues in article 303 of the Criminal Code, specifically article 303 of the Criminal Code refers to a legally competent person who commits acts prohibited in this article, namely offering or giving the opportunity to gamble, for example opening stalls or providing gambling facilities. Then participate in managing, working in gambling establishments or being a syndicate for gambling by in this case making livelihoods such as bookmakers, operators, agents and accomplices of online gambling with a maximum criminal threat of 10 years or a maximum fine of 25 million. This article is intended for the main actors in gambling activities, namely bookmakers.

Then in Law Number 19 of 2016 concerning Information and Electronic Transactions there are several articles related to online gambling, namely Article 27 paragraph (2) of the ITE Law which states: "every person deliberately and without rights distributes, transmits, and/or makes accessible Information or Electronic Documents that have gambling content". This article also refers to bookmakers who are not gambling players, it's just that this regulation is more about gambling that utilizes technology such as online gambling. The punishment for violations of Article 27 paragraph (2) of the ITE Law is regulated in Article 45 paragraph (2) of Law Number 19 of 2016, namely: "Every person who deliberately and without the right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have gambling content as referred to in Article 27 paragraph (2) shall be sentenced to a maximum of 6 (six) years in prison and/or a maximum fine of Rp 1 billion". The elements contained in Article 27 (2) jo. Article 45 (2) of the ITE Law is anyone who intentionally or without official permission from the distributing country by sending gambling content, for example, sharing online gambling links, facilitating gambling data traffic such as gambling hosts by distributing or providing gambling sites.

The gambling content referred to in this Law is electronic content that contains elements of betting, games of chance and prizes. Examples of acts that violate the provisions of this punishment include:

1. Create an online slot/lottery gambling site
2. Become an admin of a WhatsApp or Telegram group containing gambling promotions
3. Spreading gambling links through social media
4. Become an online gambling web agent/sales agent
5. Advertising or offering gambling balance top-up services
6. Legal liability for gambling acts is subject to criminal fines and/or imprisonment.

In addition, the ITE Law also regulates penalties for people who disseminate electronic information containing gambling, with criminal sanctions of imprisonment and/or fines. The explanation in the article includes the subjective and objective elements involved in the violation.

The impact of online gambling is not only for the individual himself, but also for the wider community such as mental health disorders ranging from stress to suicide. Economic factors are the main drivers in doing online gambling. Many economic problems, ranging from difficulty in getting a job, rising food prices, inflation and also below-average salaries

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make it difficult for people to meet their needs. Online gambling is offered with ease and little sacrifice by making enough money so that the perpetrator gambles online. Doing online gambling is an intentional act and must be accounted for. In Article 303 bis of the Criminal Code, it is explained that the threat of a maximum prison sentence of four years or a fine of ten million rupiah is given to anyone involved in gambling activities that violate the provisions of article 303 of the Criminal Code. The focus on article 303 bis of the Criminal Code is the players, namely the *otang* who participate in gambling, especially in public places. The elements in article 303 bis of the Criminal Code are everyone who is the subject of the law, in this case the perpetrator who participates in a gambling activity that is carried out in a public place or a house or room that is open to the public (illegal gambling house).

In addition to the Criminal Code and the ITE Law, online gambling activities can also be charged by articles such as Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (TPPU Law). Article 1 of the Anti-Money Laundering Law explains that money laundering is any act that meets the elements of a criminal act in accordance with the provisions of this law. Then it is clarified in Article 2 letter t which explains that "the proceeds of criminal acts are assets obtained from gambling crimes". One example that the author can give related to the attachment of gambling to money laundering is that the money from gambling is used for business so that it gets clean results. Money from gambling generally comes from illegal money where the perpetrator tries to hide the origin of the funds to make it appear legal through money laundering. The punishment for perpetrators of money laundering from gambling proceeds is contained in article 4 of the Anti-Gambling Law which states "every person who conceals or disguises the origin, source, location, designation, transfer of actual rights or ownership of property that he knows or should suspect is the result of a criminal act as referred to in Article 2 paragraph (1) shall be convicted of the crime of money laundering with a maximum prison sentence of 20 (twenty) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah).

The role of the community as social control over the eradication of *online* gambling is very necessary, because in family life to be able to remind each other of the dangers of playing online gambling. When you have given advice before, there is an anticipation so that you do not have to run online gambling. Like social control theory, it is a theory about deviations caused by the absence of supervision or control in the social environment. This theory is built on the view that basically humans have a tendency not to follow the rules or not obey the law, and have the urge to go against the rules or the law. Thus, this theory assesses that deviant behavior is a logical consequence of a person's failure to obey it Travis Hirschi says that this theory of social control is to explain why a person can obey rules and norms¹². According to him, this theory has the potential to determine a person's behavior to be in accordance with social norms in the environment. These forms of social control consist of four elements. First, *attachment* which is the attachment of individuals to other individuals (parents). *Involvement*, which is to prevent a person's tendency to commit crimes or to minimize the tendency to commit crimes. Then, *commitment* where parents must be committed to taking care of and

¹² Suyud Puguh Sunoto, et al., *Social Resilience and Social Defense and Their Effects on Drug Abuse in Adolescents: Travis Hirsch's Social Control Theory Perspective*, in Published by UI Scholars Hub, 2023, 1-11

educating children. Finally, *beliefs* or elements that embody a child's recognition of good norms in society.

Travis Hirschi mentioned that there are several propositions for social control, as follows, That various forms of denial of social rules are the result of the failure to socialize the individual citizens of this society to act against the rules, deviant behavior or criminality is evidence of the failure of social groups to bind individuals to obey and obey norms or values, such as family, government agencies, and others, Each of these individuals must learn to do good things and the social environment so as not to commit deviant actions, Internal control is more influential in external control. In the social control theory mentioned above, it can be associated with social control over behavior that deviates from the implementation of online gambling, so social groups need to supervise children and also remind gadget users not to play *online* games under the guise of *online* gambling, where the control is a joint control that must be carried out by the surrounding community, especially the family. The four elements of social control are as follows:

1. *Attachment*, is a form of supervision carried out by the family to children not to do *online gambling* acts, because the closest thing to the child is the family, the relationship between individuals and other individuals is very necessary in this case it is the family.
2. *Involvement*, is a form of preventing people from committing crimes in the form of online gambling, it is necessary to understand gadget users, and social behaviors that have led to an act of *online* gambling so that prevention is carried out by reprimanding or reminding the consequences of *online* gambling and also restrictions on the use of gadgets.
3. *Commitment*, is a form of seriousness of the family or social environment in taking care of children in the use of gadgets, especially in terms of education, so as not to be separated from actions that lead to *online games* under the guise of online gambling, and directing the use of good and correct gadgets.
4. *Belief*, is a form of applying good norms, especially those related to online gambling, so that it has the principle that *online* gambling is a behavior that violates religious norms, state rules and wrong habits in society.

The negative influence of *online* gambling that makes addiction to gadget users who use it, so consistent actions need to be taken by all parties, especially gadget users, to be wiser in the use of *gadgets*, so as to know the limits of *online games*, so as not to lead to online gambling, because of the influence of online *gambling* causing very fatal losses and even leading to suicide as a result of *online* gambling.

CONCLUSION

The implications of criminal law for online gambling perpetrators in Indonesia are firm and include various legal aspects, ranging from criminal sanctions in the Criminal Code, the ITE Law, to the entrapment of the Money Laundering Crime (TPPU). The perpetrators are not only threatened with imprisonment and large fines, but also risk losing assets resulting from crimes that can be confiscated by the state. This shows that the state takes seriously the dangers of online gambling that damages the morale of society and the economic system, and is strongly committed to eradicating the illegal practice as a whole. In addition, there is a need for social group supervision of all elements of society by increasing legal awareness and the impact of online gambling so that it can be reduced or even prevented from its actions.

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