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Legal Policy on Combating Online Gambling Crimes within the Indonesian Legal System

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ABSTRACT

Advancements in information technology have transformed various societal activities, including the emergence of online gambling offenses that are increasingly complex and difficult to control. The nature of online gambling, involving electronic systems, digital transactions, and transnational networks, poses new challenges for Indonesia's law enforcement system. This study analyzes legal policy regarding the prevention and handling of online gambling offenses, evaluates the effectiveness of existing regulations, and identifies directions for legal policy reform. The research employs a normative-juridical method using statute, conceptual, and case approaches. Data were obtained through a literature review of primary, secondary, and tertiary legal materials and analyzed qualitatively using a descriptive-analytical method. The findings indicate that Indonesia has established an adequate legal foundation through the Criminal Code and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions. However, enforcement remains hindered by overseas servers, difficult-to-trace digital transactions, low public legal awareness, and limited coordination among law enforcement agencies. Therefore, legal reform is needed through integrated criminal law policies, regulatory harmonization, stronger international cooperation, optimized digital technology, and improved public digital literacy to strengthen the effectiveness of combating online gambling offenses.

Keywords: *Criminal Law Policy, Law Enforcement, Online Gambling, Politics of Law.*

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1. | INTRODUCTION

Advancements in information and communication technology have brought about significant changes in societal lifestyles, affecting economic, social, and legal activities. Internet-enabled digitalization has spawned various electronic-based services that benefit the public. However, these developments have also given rise to various forms of cybercrime, notably online gambling. Unlike conventional gambling, online gambling is characterized by its borderless nature, reliance on electronic systems and digital transactions, and the exploitation of user anonymity, all of which complicate law enforcement efforts. Husain (2024) notes that these factors make online gambling a constantly evolving form of crime, necessitating legal policies that adapt to technological advancements.

In Indonesia, gambling is fundamentally prohibited under criminal law. Provisions banning gambling are set forth in Articles 303 and 303-bis of the Criminal Code (KUHP). With the evolution of digital technology, these regulations have been reinforced by Law Number 11 of 2008 concerning Electronic Information and Transactions, as most recently amended by Law Number 1 of 2024. Under this latest regulation, Article 27 paragraph (2) expressly prohibits any person from intentionally and without authorization distributing, transmitting, or making accessible electronic information or documents containing gambling content; the corresponding criminal penalties are stipulated in Article 45 paragraph (3) of Law Number 1 of 2024.

Despite these regulatory updates, the practice of online gambling continues to rise in terms of the number of platforms, the number of participants, and transaction values. This phenomenon indicates that existing legal norms have not yet fully succeeded in exerting a preventive or repressive effect. Factors such as easy internet access, the use of digital accounts and e-wallets, international networks, low public legal awareness, and economic motives are the primary drivers behind the expanding practice of online gambling (Rinduni et al., 2024). Meanwhile, the evolution of digital technology is outpacing the development of regulations and the capacity of law enforcement agencies to take effective enforcement action. This situation highlights the need to evaluate the legal policy applied in addressing the crime of online gambling.

Legal policy refers to the direction of state policy regarding the formulation, implementation, and development of law to achieve state objectives. In the context of online gambling, legal policy encompasses not only the enactment of legislation but also the harmonization of regulations, the effectiveness of law enforcement, inter-agency coordination, and prevention strategies involving education and digital literacy (Widjaya et al., 2022). Consequently, successfully addressing online gambling requires more than just a penal approach involving criminal sanctions; it must be supported by non-penal approaches involving the government, electronic system providers, financial institutions, the public, and educational institutions. Such a comprehensive approach is expected to strengthen public protection against the negative impacts of online gambling. Previous studies have largely focused on the criminal liability of online gambling offenders, the effectiveness of enforcing provisions within the Electronic Information and Transactions Law, and law enforcement actions taken by the police. However, research specifically analyzing the legal policy regarding the mitigation of online gambling crimes within the Indonesian legal system following the enactment of Law Number 1 of 2024 remains relatively limited. Therefore, this study aims to analyze the direction of national legal policy in addressing online gambling, evaluate the effectiveness of existing regulations, and identify potential legal policy reforms to enhance the effectiveness of combating online gambling crimes in Indonesia. The findings are expected to contribute to the development of cyber criminal law and serve as a reference for policymakers in formulating regulations that are more adaptive to the evolution of digital technology. Based on the foregoing, two questions arise: 1. What is Indonesia's legal policy regarding the mitigation of online gambling crimes within the prevailing legal system? 2. How effective are the regulations governing online gambling crimes under the Criminal Code (KUHP), Law Number 1 of 2024 concerning Electronic Information and Transactions, and other related regulations? 3. What direction of legal-political reform is required to enhance the effectiveness of combating online gambling crimes in Indonesia?

2. | RESEARCH METHOD

This study employs a normative legal research method juridical normative researchfocused on examining the positive legal norms governing the handling of online gambling offenses in Indonesia. Normative legal research was selected because the study focuses on analyzing the legal policy regarding the formulation, application, and development of legislation related to online gambling. This approach aims to assess the alignment between prevailing legal norms and the requirements for addressing online gambling offenses in the digital era, as well as to evaluate the effectiveness of implemented legal policies.

The research approaches utilized include the statute approach, the conceptual approach, and the case approach. The statute approach is used to analyze various legislative provisions, including the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, and other regulations related to combating online gambling. The conceptual approach is employed to examine concepts such as legal policy, criminal policy, law enforcement, and cybercrime, drawing upon legal doctrines and expert opinions. Meanwhile, the case approach involves analyzing court rulings and law enforcement practices related to online gambling offenses to evaluate the implementation of applicable legal norms.

The legal materials used consist of primary, secondary, and tertiary legal sources. Primary legal sources include relevant legislation and court rulings. Secondary legal sources are derived from law books, scholarly articles, and national journals indexed in

Google Scholar and published between 2020 and 2024. Tertiary legal sources comprise legal dictionaries, legal encyclopedias, and other scholarly sources that support the understanding of the research concepts. Legal materials were gathered through library research, involving a review of scholarly literature, legislation, and legal documents pertaining to the legal policy on addressing online gambling offenses. Subsequently, these materials were analyzed using a qualitative legal analysis approach specifically a descriptive-analytical method by outlining applicable legal provisions, comparing them with relevant theories and prior research findings, and drawing deductive conclusions to address the research problem regarding the legal policy on combating online gambling within the Indonesian legal system.

3. | RESULTS AND DISCUSSION

3.1 Legal Policy on Addressing Online Gambling Offenses in Indonesia

Legal policy refers to the direction of state policy regarding the formulation, implementation, and development of law to achieve national objectives. In the context of online gambling offenses, Indonesia's legal policy aims to protect the public from the negative impacts of information technology by establishing regulations capable of addressing cybercrime. Prohibitions against gambling have long been established under Articles 303 and 303-bis of the Criminal Code (KUHP) and reinforced by Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, particularly Article 27 paragraph (2), which prohibits distributing, transmitting, or making accessible electronic information containing gambling content.

These regulatory changes reflect an evolution in legal policy that adapts to digital transformation. According to Kamati (2024), the regulatory update through Law Number 1 of 2024 represents a state response to the misuse of information technology as a medium for online gambling. Perkasa and Pakpahan (2023) explain that criminal provisions in the ITE Law provide a more specific legal basis than gambling regulations in the Criminal Code because they address gambling activities conducted through electronic systems.

However, the effectiveness of legal policy depends not only on regulations but also on implementation. Ridho et al. (2024) state that online gambling utilizing offshore servers, digital accounts, crypto assets, and encryption technology creates challenges for investigation and evidentiary processes. Damayana and Amir (2024) emphasize that harmonization of criminal law, cyber law, and electronic transaction oversight must be strengthened to keep pace with technological development. Thus, Indonesia's legal policy has shown a progressive trajectory, but its effectiveness still requires stronger inter-agency coordination, law enforcement capacity, and comprehensive criminal policy.

Legal policy regarding online gambling also serves as a foundation for determining the direction of national law enforcement. According to Iqsandri (2022), legal policy constitutes the state's official stance on laws to be enacted to achieve national goals. In the context of digital technology, this requires continuous regulatory updates to address new forms of crime. Therefore, the amendment of the ITE Law through Law Number 1 of 2024 represents an adjustment of legal policy to the dynamics of digital society (Kamati, 2024).

The existence of adaptive regulations is an indicator of legal policy development, but effectiveness is measured by consistent application in law enforcement. Hermawan et al. (2022) explain that online gambling has shifted from conventional systems to digital systems using the internet, mobile applications, and electronic transactions. Ridho et al. (2024) further state that digital accounts, e-wallets, cryptocurrencies, and encryption technologies require higher technical capabilities from law enforcement officials. Electronic evidence must also meet criminal procedural requirements to have evidentiary value in court.

The borderless nature of online gambling creates another challenge because perpetrators, servers, and gambling proceeds may be located outside Indonesian jurisdiction. Investigation therefore requires international cooperation through mechanisms such as Mutual Legal Assistance (MLA) and financial intelligence exchange (Damayana & Amir, 2024). Legal policy must consequently be adaptive, collaborative, and prevention-oriented. It should not rely solely on punishment but also integrate electronic system oversight, digital payment security, institutional capacity, and public digital literacy.

Periodic evaluation is necessary because methods of online gambling continue to change with technological development. Synergy among policymakers, law enforcement agencies, electronic system providers, financial institutions, and the public is crucial to effective legal policy (Perkasa & Pakpahan, 2023; Kamati, 2024). Kamati (2024) also explains that digital literacy and public legal awareness can serve as preventive measures. Continuous education concerning legal risks, social consequences, and economic losses can strengthen public compliance and reduce participation in online gambling.

3.2 Effectiveness of Online Gambling Regulation Based on the Criminal Code and Law Number 1 of 2024

The effectiveness of regulations governing online gambling depends on the legal system's ability to accommodate technological developments while providing certainty regarding perpetrators, operators, and facilitators. Gambling is regulated under Articles 303 and 303-bis of the Criminal Code, while gambling through electronic media is specifically regulated under Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024. These provisions combine general criminal law with specific provisions addressing technology-based crimes.

Nevertheless, implementation faces significant challenges. Hermawan et al. (2024) explain that the transnational nature of online gambling, the use of Virtual Private Networks (VPNs), overseas servers, and digital payment systems complicate inquiry and investigation. Anonymous identities and encryption technologies further hinder identification of perpetrators and platform owners. Kamati (2024) indicates that the Criminal Code and ITE Law provide a sufficient normative basis to prosecute site operators, players, and distributors of gambling content, but effectiveness remains constrained by weak inter-agency coordination, limited electronic transaction oversight, and low public legal awareness.

Lewiandy et al. (2024) argue that online gambling should not be viewed solely through criminal penalties but also from governance, digital-space oversight, and economic and social impacts. Effective regulation therefore requires integration of criminal law policies, supervision of electronic system providers, blocking of illegal platforms, financial transaction monitoring, and international cooperation.

Rapid technological development also creates a gap between criminal methods and regulatory responses. Hasan (2023) explains that online gambling methods shift dynamically through mobile applications, social media, and digital communication platforms. Kamati (2024) argues that although criminal provisions satisfy legal certainty, their effectiveness is weakened by low public compliance. A repressive approach must therefore be balanced with preventive strategies such as legal education and digital literacy. Juhara et al. (2025) emphasize the need for synergy among government institutions, law enforcement agencies, electronic system providers, financial institutions, and the public.

The borderless character of online gambling makes cross-jurisdictional cooperation increasingly important. The use of overseas servers, encryption, anonymous identities, and VPNs complicates tracking and proof. Electronic evidence has therefore become a primary means of proof, requiring digital forensic capabilities and stronger competence among law enforcement personnel (Hasan, 2023; Kamati, 2024).

Online gambling transactions also increasingly use electronic payment systems that enable rapid and difficult-to-trace transfers. Digital wallets, virtual accounts, and third-party accounts can conceal identities and complicate tracing illicit funds. Consequently, a “follow the money” approach is crucial to disrupt gambling networks. This requires coordination among the police, prosecutor's office, Financial Transaction Reports and Analysis Center (PPATK), the ministry overseeing digital communications, Financial Services Authority (OJK), and Bank Indonesia to exchange information, block accounts, and address organized gambling networks (Hermawan et al., 2024).

Government oversight of electronic system providers must also be strengthened because digital platforms can be used to host or promote online gambling. Blocking gambling sites is important but often temporary because operators can create new domains. Enforcement should therefore identify perpetrator networks, service providers, and beneficiaries rather than focus only on access blocking. Preventive measures, including legal education and public digital literacy, must be implemented continuously. Thus, regulatory effectiveness depends not merely on legal norms but also on law enforcement quality, institutional capacity, digital technology, inter-agency coordination, and public participation (Lewiandy et al., 2024).

Furthermore, the effectiveness of legal provisions must be assessed through the relationship between legal substance, legal structure, and legal culture. Clear provisions provide a normative foundation, but enforcement agencies must have adequate authority, resources, and technological competence to apply them effectively. At the same time, public compliance influences the practical success of criminal policy. Low awareness may increase demand for online gambling services, while weak supervision can create opportunities for operators to continue through alternative platforms. Therefore, regulatory effectiveness requires a balanced strategy that combines enforcement, supervision, prevention, and public participation.

3.3 The Direction of Legal-Political Reform in Combating Online Gambling Crimes in Indonesia

Rapid technological advancement requires legal policies capable of accommodating the evolving nature of online gambling. Legal policy encompasses not only legislation but also state strategies to establish an effective, adaptive, and responsive legal system. Although Indonesia has enacted 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 on Electronic Information and Transactions, online gambling developments indicate the need for stronger implementation and policy synchronization.

According to Kamati (2024), reform should emphasize an “integrated criminal policy” combining penal and non-penal strategies. The penal approach imposes sanctions on organizers, perpetrators, and facilitators, while the non-penal approach involves digital literacy, public legal education, electronic system oversight, and development of a legal culture rejecting gambling (Masogo & Motsamai Modise, 2024). This integrated approach is more comprehensive than relying solely on criminal punishment.

Bahram (2024) emphasizes regulatory harmonization across sectors. Combating online gambling requires synergy among criminal law, electronic transactions, banking, financial services, money laundering, personal data protection, and electronic system regulations. Such integration can facilitate transaction monitoring, account blocking, and asset tracing. International cooperation is equally important because many gambling operators use servers and infrastructure outside Indonesia. Hendarto and Handayani (2024) explain that Mutual Legal Assistance, intelligence exchange, and cross-border law enforcement cooperation are necessary to identify perpetrators and recover criminal assets.

Legal reform must also strengthen institutional capacity. This includes developing digital forensic and electronic transaction analysis skills and utilizing Artificial Intelligence (AI) to detect online gambling activities. According to Lewiandy et al.

(2024), digital transformation in law enforcement can improve early detection of gambling sites, accelerate investigations, and strengthen evidence in court.

The increasingly complex nature of online gambling demonstrates that reform cannot focus solely on changing legal norms. It must also encompass institutional renewal, oversight mechanisms, and technology-based enforcement. Kamati (2024) states that adaptive policy should anticipate evolving digital crime while maintaining legal certainty. Hasan (2023) explains that enforcement effectiveness depends heavily on officials' competence in inquiry, investigation, and electronic evidence. Therefore, digital forensic training, electronic data analysis, transaction tracking, and adequate technological infrastructure are necessary.

Inter-agency synergy should also be strengthened through integrated data and information exchange. Hendarto and Handayani (2024) emphasize that coordination among the Indonesian National Police, Attorney General's Office, Ministry of Communication and Digital Affairs, PPATK, OJK, Bank Indonesia, and electronic system providers is essential to disrupt online gambling networks. Integration can accelerate transaction tracing, account blocking, and enforcement against organized networks.

From the perspective of modern criminal policy, repression must be balanced with prevention. Kamati (2024) states that digital literacy and public legal awareness are integral to prevention-oriented legal policy. Education concerning legal risks, social impacts, and economic consequences can reduce public interest in online gambling. Such programs should be implemented through educational institutions, mass media, community organizations, and digital platforms.

Hendarto and Handayani (2024) further argue that international cooperation is strategic because online gambling is transnational. Cooperation through Mutual Legal Assistance, financial intelligence exchange, and collaboration with foreign law enforcement agencies can support server tracing, perpetrator identification, and asset recovery. In addition, Lewiandy et al. (2024) explain that Artificial Intelligence (AI) and Big Data Analytics can improve detection of suspicious transactions, identify new gambling sites, and map the development of gambling networks, while still respecting human rights and legal certainty.

Accordingly, the reform agenda should establish coordination mechanisms, evaluation of enforcement outcomes, and updating of technical capabilities. These measures would help ensure that responses remain aligned with changes in gambling platforms, payment technologies, and criminal networks. They would strengthen the consistency of enforcement across institutions and reduce gaps exploited by criminal perpetrators.

In addition, reform should ensure that technology in enforcement remains accountable. The deployment of AI, Big Data Analytics, and digital monitoring systems should be accompanied by clear procedures concerning evidence, data protection, institutional responsibility, and judicial oversight. This is important because technological capability must strengthen, rather than replace, lawful decision-making. A balanced framework can support faster detection while maintaining due process, proportionality, and protection of individual rights. Such safeguards are particularly important when digital investigations involve personal information and financial data.

Ultimately, legal policy reform must establish a system that is repressive, preventive, collaborative, and adaptive. Regulatory reform, institutional strengthening, law enforcement capacity, digital technology, international cooperation, and public participation are complementary components of an effective strategy against online gambling. Therefore, legal-political reform should function not only as an enforcement instrument but also as a foundation for safe, orderly, and equitable digital-space governance.

4. | Conclusion

This study demonstrates that Indonesia's legal policy regarding the curbing of online gambling offenses has evolved significantly through the enactment of regulations tailored to advancements in information technology. Gambling regulations, initially grounded solely in Articles 303 and 303-bis of the Criminal Code (KUHP), have been reinforced by Law Number 1 of 2024—the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions—which specifically prohibits the distribution, transmission, and provision of access to gambling-related electronic information. These developments reflect a legal policy trajectory that is increasingly adaptive to the nature of cybercrime, which transcends national borders, leverages digital technology, and involves constantly shifting.

Nevertheless, current regulations have not yet fully succeeded in curbing online gambling practices. Various obstacles persist in law enforcement, including the use of offshore servers, encryption technologies, transactions via digital wallets and crypto assets, low public legal awareness, and suboptimal coordination among law enforcement agencies. These conditions indicate that successfully combating online gambling depends not only on the existence of legal norms but also on effective implementation, the capacity of law enforcement personnel, and technological support during investigation and evidentiary processes.

Based on the analysis, legal policy reform should focus on strengthening an “integrated criminal policy” approach that combines penal and non-penal measures. Regulatory strengthening must be accompanied by cross-sectoral policy harmonization, enhanced international cooperation, optimized use of digital technology in law enforcement, and improved public legal literacy. Through these measures, Indonesia's legal system is expected to provide more effective legal protection for the public while establishing a system for combating online gambling that is responsive to digital technological advancements.

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The authors declare that there is no conflict of interest.

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Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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