



Legal Reconstruction of Online Gambling Regulation in Indonesia for Effective Law Enforcement

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ABSTRACT

Legal reconstruction of online gambling in Indonesia is an urgent necessity due to inconsistencies in existing regulations, particularly in Article 303 bis paragraph (1) of the Indonesian Penal Code (KUHP). The ambiguity of this provision has led to conflicting interpretations, making law enforcement efforts against online gambling less effective. Despite legal prohibitions, online gambling continues to thrive due to technological advancements, legal loopholes, and the global nature of digital transactions. This study employs a normative legal research method to analyze the weaknesses of current regulations and propose a legal framework that ensures clarity, fairness, and efficiency in law enforcement. The findings indicate that existing laws must be revised to incorporate technological elements, stricter sanctions for illegal gambling operators, and preventive measures to curb gambling addiction. Strengthening legal certainty, international cooperation, and public awareness campaigns are essential in combating online gambling. A comprehensive reconstruction of gambling laws is necessary to align legal frameworks with contemporary societal needs while upholding social, economic, and cultural values.

Keywords: Online Gambling, Legal Reconstruction, Law Enforcement

Background

Legal development in Indonesia includes three main components, namely material or substance, institutional or structure, and culture or legal culture.¹ Indonesia as a state of law has confirmed this principle in the Constitution of the Republic of Indonesia in 1945, which states that the state of Indonesia is a state of law, not a state of power.² This provision confirms that the law acts as the main guideline in the life of society, regulating every aspect of social interaction in order to create order and Justice.

Law serves not only as social control but also as a means of social change. In carrying out its functions, the law must be able to integrate and coordinate various interests in society so that they do not contradict each other. Although various regulations have been made to regulate human behavior, crime remains rife, one of which is the crime of gambling. The phenomenon of gambling has existed since ancient times and developed along with the progress of human civilization. Various historical literature indicates that gambling has been known since primitive times, with various forms of the game found in various tribes of the world, including in South Africa, Australia, and the Americas.³

Criminal law provides for acts punishable by a specific crime as determined by law. Simons defined criminal law as all the measures of necessity and prohibition established by the state, which, if violated, are subject to criminal sanctions. Moeljatno emphasized that the criminal law serves as the basis for determining prohibited acts and provides for the threat of sanctions for their violation. In its development, advances in Information Technology have had a major impact on people's lives, including the emergence of various new forms of crime, one of which is cyber crime or cybercrime. Cybercrime is a crime committed through a global electronic network using a computer as a primary tool. The emergence of cybercrime is also closely related to the concept of cyberspace that allows communication and interaction in a virtual world.

Gambling is now not only done conventionally but also through digital platforms. The phenomenon of online gambling is increasingly widespread, triggering various polemics in society. History records that although gambling is currently prohibited, legal gambling practices were once enforced in Indonesia, especially during the leadership of the governor of DKI Jakarta, Ali Sadikin. At that time, gambling was legalized to support regional

¹ Muhtar, M. H., Maranjaya, A. K., Arfiani, N., & Rahim, E. (2023). *TEORI & HUKUM KONSTITUSI: Dasar Pengetahuan dan Pemahaman serta Wawasan Pemberlakuan Hukum Konstitusi di Indonesia*. PT. Sonpedia Publishing Indonesia. p. 92

² Widodo, I. S., Muhtar, M. H., Suhariyanto, D., Permana, D. Y., Bariah, C., Widodo, M. F. S., ... & Susmayanti, R. (2023). *Hukum Tata Negara*. Sada Kurnia Pustaka. P. 32

³ Kurniawan, Y., Siregar, T., & Hidayani, S. (2023). Penegakan hukum oleh Polri terhadap pelaku tindak pidana judi online (Studi pada Kepolisian Daerah Sumatera Utara). *ARBITER Jurnal Ilmiah Magister Hukum*, 5(1), 85–96. <https://doi.org/10.31289/arbiter.v5i1.1671>

development by collecting funds from the results of gambling. This Program succeeded in significantly increasing DKI Jakarta's development budget. The practice of legalized gambling at that time still caused various negative impacts, so this policy was finally stopped.

Indonesian law regulates gambling in various laws and regulations. Government Regulation No. 9 of 1981 classifies gambling into several categories, such as gambling in casinos, gambling in crowded places, and gambling related to certain activities such as cockfighting and horse racing. Although it has been clearly regulated in the Criminal Code (KUHP), gambling remains a legal problem that has not been fully resolved. Article 303 of the Criminal Code provides for a criminal threat to any person who without permission offers or provides an opportunity to gamble. Article 303 bis threatens criminal for anyone who engages in gambling in public places. The existence of the phrase "without obtaining permission" in this provision gives rise to various interpretations in society, as if gambling obtaining permission is allowed.

Online gambling is regulated in Law No. 11 of 2008 concerning information and electronic transactions, which then underwent changes to Law No. 19 of 2016. Online gambling players can be subject to criminal sanctions, both in the form of imprisonment and fines. The effectiveness of the implementation of this law is still a problem, especially because of the difficulty of conducting searches, seizures, arrests and detentions of perpetrators operating in cyberspace. The virtual nature of cyberspace allows online gambling content to be easily accessed and disseminated, complicating law enforcement efforts.⁴

The main problem in gambling is not only the legal aspect, but also the social impact caused. Gamblers often develop an addiction that leads them to constantly gamble in the hope of making a profit. When their finances are depleted, they can fall into other criminal acts, such as theft or domestic violence. This situation has wider social repercussions, especially in the economic aspect and family well-being. The government has tried to regulate gambling through various regulations, including Law No. 7 of 1974 on regulating gambling. Despite the complete regulation, the number of gambling cases remains high, even many perpetrators are recidivists.

The legal regulation of gambling in Indonesia still faces various obstacles. The lack of clarity in the substance of the existing rules is a serious problem. Article 303 bis paragraph (1) of the Criminal Code, for example, provides space for gambling that obtain permission from the competent authorities. This provision is contrary to the principle contained in Law Number 7 of 1974, which states that any form of gambling is a crime. In practice, there is no clear mechanism on how gambling permits can be granted. The revision of this provision is very important to eliminate existing legal ambiguities.

The phenomenon of online gambling is increasingly worrying because it can reach a wide range of people, including low-income people. Many individuals are tempted by the lure of huge profits without realizing the risks that come with it. Cases like that of a tire repairman who was arrested for playing online slots show that gambling has become a serious problem that permeates all walks of life. The government has taken concrete steps to tackle online gambling, including blocking thousands of online gambling sites and halting account transactions allegedly linked to gambling. The Center for reporting and analysis of financial transactions (PPATK) revealed that online gambling transactions in Indonesia reached hundreds of trillions of rupiah, involving various groups, ranging from housewives, civil servants, students, to police officers.

Regulation on gambling in Indonesia still faces various obstacles from a legal perspective. Legal uncertainty arising from differences in the nature of sanctions in the Criminal Code and the ITE Law triggers various interpretations. Sanctions in the Criminal Code are alternative, where the offender can choose between imprisonment or a fine. The sanctions in the ITE Law are alternative cumulative, allowing the offender to be sentenced to imprisonment and a fine simultaneously. This difference creates confusion in law enforcement, especially in determining the appropriate punishment for gambling offenders.

The criminalization of gambling in Indonesia still needs to be evaluated. Although the main objective of this policy is to suppress gambling figures, the number of gambling cases remains high. The effectiveness of existing provisions in providing a deterrent effect for the perpetrators is still a question. A more comprehensive approach is needed in addressing problem gambling, including through tougher regulatory revisions as well as increased surveillance and more effective enforcement.

Efforts to overcome the problem of gambling in Indonesia is not enough to rely solely on the criminal law approach. A broader strategy is needed, including counseling the public about the dangers of gambling, increased surveillance of suspicious financial transactions, as well as cooperation between the government and internet service providers to eradicate online gambling sites. With a more comprehensive approach, it is hoped that problem gambling in Indonesia can be controlled more effectively.

Formulation Of The Problem

1. How is the application of Article 303 bis paragraph (1) of the Criminal Code based on legal aspects of humanity ?
2. How is the reconstruction of the law of Article 303 bis paragraph (1) of the Criminal Code ?

⁴ Hermansyah, H., Mustamam, M., & Putra, P. S. (2023). PERAN CYBER CRIME DITRESKRIMSUS KEPOLISIAN DAERAH SUMATERA UTARA DALAM PENEGAKAN HUKUM TERHADAP PELAKU TINDAK PIDANA JUDI ONLINE (Studi di Kepolisian Daerah Sumatera Utara). *Jurnal Meta Hukum*, 2(3), 115–127. <https://doi.org/10.47652/jmh.v2i3.452>

Research Methods

This research uses normative research methods or doctrinal legal research which is often referred to as literature research or document study.⁵ This type of research has a main characteristic in legal research because it focuses on Written regulations as well as other legal materials. Many jurists argue that normative legal research is the only known category of research in legal Science, given its nature of basing analysis on existing legal doctrines and norms. In legal research, a legal issue cannot be resolved without the right approach. The selection of a suitable approach is very important for drawing up a logical, accurate and systematic legal argument. The approach in legal research helps to obtain information from various aspects related to the issue under study. The selection of the right approach will determine the scientific weight of a study and further clarify the direction of research.

The legislative approach is one of the main approaches in this study. This approach is done by reviewing all laws and regulations that are relevant to the legal issues at hand. This study refers to several regulations related to gambling, including the Constitution of the Republic of Indonesia in 1945, Government Regulation No. 9 of 1981 on the implementation of gambling regulations, criminal code articles 303 and 303 bis, and Law No. 19 of 2016 on information and Electronic Transactions. In addition to the legislative approach, this study also uses a case approach. This approach is done by reviewing court decisions that have permanent legal force to assess the consideration of judges in deciding a case. Analysis of the legal considerations in these decisions helps in building stronger legal arguments in resolving the issue under study.

In addition to the case approach, this study also uses a concept approach. This approach departs from the doctrines and theories that developed in the science of law. Understanding of legal concepts, legal principles, and legal theories is an important foundation in building systematic argumentation. Legal doctrine that develops in the academic literature will clarify the understanding of the legal issues studied and provide a deeper perspective in analyzing the regulations in force. Another approach used in this study is a comparative approach. This approach is done by comparing legal regulations in Indonesia with legal regulations in other countries that have similar issues. This comparison aims to find similarities and differences in legal arrangements regarding gambling and see how other countries deal with the problem. Through this approach, insights can be obtained regarding possible improvements in the national legal system.

In normative legal research, the source of legal material becomes an important element used in the analysis. Legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations that have binding legal force, such as the Constitution of the Republic of Indonesia in 1945, the Criminal Code, Government Regulation No. 9 of 1981 on the implementation of gambling regulations, as well as provisions in Article 303 bis paragraph (1) of the Criminal Code and Law No. 19 of 2016 on information and Electronic Transactions. Secondary legal material consists of legal literature that provides further explanation of primary legal material, such as law books, scientific journals, theses, dissertations, as well as papers that address relevant legal issues. In addition, tertiary legal materials were also used in this study, in the form of legal dictionaries and encyclopedias that provide additional information on the legal concepts used.

The technique of collecting legal materials in normative research is carried out by literature study, namely by studying primary, secondary, and tertiary legal materials. This literature study aims to identify, classify, and analyze regulations relevant to the issues studied. Once the legal materials have been collected, the next step is to conduct an analysis of the legal materials. The analysis is carried out by reviewing and interpreting legal materials that have been classified by Category. The Data obtained in this study are qualitative, which are analyzed systematically in order to produce a comprehensive argumentation in answering research problems. This qualitative analysis is carried out by a descriptive method, that is, it explains the content of legislation, Court decisions, as well as legal doctrines related to gambling.

This study aims to contribute to understanding the regulation of gambling in Indonesia, especially in looking at the effectiveness of applicable laws. By using a normative approach supported by literature studies, this study is expected to identify weaknesses in existing regulations and provide recommendations for the improvement of a better legal system. Weaknesses in the regulation of gambling in Indonesia, such as the vagueness of the provisions in Article 303 bis paragraph (1) of the Criminal Code, need to be studied in depth to avoid ambiguity in its implementation. Normative approach used in this study allows the mapping of various legal issues that arise in practice and propose more effective legal solutions based on the principles of justice and legal certainty.

Discussion

1. Application of Article 303 bis paragraph (1) of the Criminal Code based on aspects of certainty and expediency

Social deviations that occur in a society or individual can lead to various social problems. This event arises because of the ongoing social interaction between individuals, individuals with groups, or between groups in society.⁶ Social problems are a real phenomenon in the life of society and arise due to the failure of the individual in the process of socialization. Individuals who are unable to conform to prevailing social values and norms tend to commit deviant acts, including gambling. Gambling, in legal terminology, is defined as a form of betting that is done deliberately, where someone risks something of value in the hope of making a profit in a game, match, or event whose outcome is uncertain.

⁵ Syarif, M., Ramadhani, R., Graha, M. A. W., Yanuaria, T., Muhtar, M. H., Asmah, N., Syahril, M. A. F., Utami, R. D., Rustan, A., Nasution, H. S., Putera, A., Wilhelmus, K., & Jannah, M. (2024). *Metode Penelitian Hukum*. GET Press Indonesia, p. 64

⁶ Prihartono, A., Muhtar, M. H., Kamba, S. N. M., Kasim, N. M., & Apripari, A. (2023). Beyond Rhetoric: A Critical Examination of Social Justice Theory In Development. *Journal of Namibian Studies*, 33(1), 2601-2617.

In Indonesia, the practice of gambling has existed since the Dutch colonial era. In the past, gambling was often associated with nightlife and entertainment, but along with the times, this practice is increasingly widespread in society with various types and forms. Gambling can be done openly as well as covertly, and it is increasingly difficult to eradicate as it has become part of the social habit in some circles. The advancement of Information Technology has also contributed to the rapid development of the gambling business, especially online gambling which is increasingly accessible to people from different walks of life. Gambling has a significant negative impact on society, both economically, socially, and morally. Therefore, society basically supports efforts to eradicate gambling decisively and sustainably indiscriminately against the perpetrators. This effort aims to provide a deterrent effect and make people aware that gambling is a social disease that can damage the order of life together.⁷

Gambling is now not only rife in big cities, but has also penetrated into rural areas. Not only adults, children and adolescents are also many who are entangled in the practice of gambling. This is very worrying because the younger generation, which should be the nation's hope for the future, is trapped in the harmful habit of gambling. Many teenagers who should be in school and getting a proper education are actually involved in gambling for reasons of economic or environmental pressure. Most of them think that gambling can be a quick solution to meet their life needs, when in reality gambling actually worsens their economic conditions. Gambling addiction can cause a person to lose control of himself, even willing to spend money to bet in the hope of getting big profits that are not necessarily achieved.

In the Indonesian legal system, gambling is regulated in the Criminal Code (KUHP), specifically in articles 303 and 303 bis. Article 303 provides for criminal threats to anyone who knowingly offers or provides opportunities for gambling games as a livelihood, with the threat of imprisonment for a maximum of ten years or a maximum fine of twenty-five million rupiah. Meanwhile, Article 303 of the bis threatens with a maximum imprisonment of four years or a maximum fine of ten million rupiah for anyone who participates in gambling games conducted in public places without the permission of the competent authorities. The provisions in these articles indicate that gambling is an act prohibited under Indonesian criminal law. However, there are inconsistencies in this rule, especially in Article 303 bis which still leaves open the possibility of gambling being allowed by the authorities. This shows that there is overlap in the regulation of gambling in Indonesia, so it is necessary to reconstruct the law in order to create a clearer and firmer legal certainty related to online and conventional gambling.

The advancement of technology has brought about major changes in various aspects of life, including in the world of gambling. The development of the internet allows gambling to be done online, where players no longer need to come to a physical gambling establishment, but simply use a digital device to access betting games. This change makes it easier for anyone to gamble, without even having to leave home. Online gambling is increasingly difficult to control because it is not bound by geographical boundaries, and can be accessed at any time and by anyone. This exacerbates the negative impacts caused by gambling, both on an individual scale and on a broader scale in society.

Many people are attracted to gambling because they see it as a quick way to make a profit without having to work hard. However, they are often unaware of the great risks that come with it. Gambling addiction can cause a person to lose all their assets, get into debt, even commit criminal acts to get money to continue gambling. Gambling also carries far-reaching social impacts, such as rising crime rates, family breakdown, and various other social problems. In some areas, gambling has even become part of everyday life, making it difficult to eradicate completely.

In the legal system, legal certainty is the main principle that must be guaranteed so that people have a clear understanding of the applicable rules. Inconsistencies in the regulation of gambling, especially in Article 303 bis of the Penal Code, raise questions regarding the extent to which this rule can create realistic legal certainty for society. If there are contradictions in the regulations in force, they must be resolved immediately in order for the law to function effectively as a means of social control. The issue of legal certainty in the regulation of gambling is an issue that is often debated, considering that the law must be able to provide clarity and not open up space for conflicting interpretations.

Although gambling has been banned under Indonesian law, the practice of online gambling is still rife in society. From the perspective of the sociology of law, the criminal rules governing online gambling have not been effective enough in being a means of social control that can prevent people from engaging in gambling. The effectiveness of the law can be measured from the extent to which it manages to regulate people's behavior and achieve the goals that have been set. In the context of online gambling, the existing rules do not seem to be able to suppress the number of gambling in Indonesia.

Based on the results of interviews with law enforcement officials, there are several main factors that make online gambling difficult to eradicate in Indonesia. The first factor is the lack of legal rules governing gambling. The law regulating online gambling has not been fully implemented effectively because there are still uncertainties in its application. The difference in the nature of sanctions between the Criminal Code and the law on information and electronic transactions also causes confusion in enforcement proceedings. The second factor is the limited means of support in law enforcement. Efforts to combat online gambling require human resources who have expertise in the field of digital forensics as well as adequate technological equipment to detect and crack down on online gambling activities. The third factor is the low level of legal awareness of society. Many people do not yet understand that gambling, including online gambling, is an illegal act that can be subject to criminal sanctions. Without a high level of legal awareness in the community, the eradication of gambling will be increasingly difficult to do. The fourth factor is the cultural aspect that still allows the practice of gambling to continue to develop in society. As long as gambling is still considered a regular activity and is not seen as a dangerous act, efforts to eradicate it will encounter many obstacles.

Legal certainty is an important element in an effective legal system. Laws that do not provide certainty will lose their role as tools that regulate social life. Utrecht states that legal certainty has two main aspects. First, the law must take the form of rules that are general and understandable to society so

⁷ Budiman, R., Romadini, N. A., Aziz, M. a. H., & Pratama, A. G. (2022). The impact of online gambling among Indonesian teens and technology. *IAIC Transactions on Sustainable Digital Innovation (ITSDI)*, 3(2), 162–167. <https://doi.org/10.34306/itsdi.v3i2.559>

that individuals know what they can and cannot do. Secondly, the law must be able to provide protection to individuals from arbitrary actions by the government. If the provisions of the law on gambling still leave room for conflicting interpretations, then it is necessary to revise them so that the law can function as it should.⁸

In the context of combating online gambling, the law must be firm and have clarity in its regulation. Firmness in the regulation of online gambling will help create legal certainty and provide a deterrent effect for perpetrators. In addition, people's legal awareness should be continuously improved through various educational and socialization programs regarding the dangers of gambling. Thus, it is expected that efforts to eradicate gambling can run more effectively and be able to reduce the number of gambling in Indonesia.

2. Reconstruction Law Article 303 (bis) paragraph 1 of the Criminal Code

Legal reconstruction of online gambling in Indonesia is a complex topic and requires a holistic approach that includes legal, social, economic, and technological aspects. Online gambling has a wide impact on society, both economically and socially, so its handling must be done with the right policies to create effective regulation and suppress the negative impacts caused. The existence of online gambling in Indonesia is a problem that continues to grow along with advances in Information Technology, which allows anyone to easily access gambling platforms via the internet. This raises a dilemma in the legal system, where existing regulations are not yet fully able to adapt to changing times.⁹

One aspect that needs to be considered in the reconstruction of the law against online gambling is increased regulation and stricter law enforcement. Law No. 11 of 2008 on Electronic Information and transactions and Law No. 7 of 1974 on regulating gambling need to be updated to be more relevant to the development of digital technology. More specific regulations related to online gambling, including classifications, types of offenses, and legal sanctions, should be incorporated into legislation to provide legal certainty. In addition, cooperation between law enforcement agencies should also be improved. The police, the Ministry of Communications and Information Technology, and the banking sector need to collaborate in efforts to eradicate online gambling, including in terms of blocking gambling sites and financial transactions related to online gambling activities. The use of artificial intelligence technology in detecting and monitoring online gambling activities can also be an effective solution in identifying and cracking down on violations more efficiently.

The economic approach is also an important factor in the reconstruction of laws related to online gambling. States may consider legalization options with strict oversight as well as high taxation of officially operating online gambling platforms. Tax revenues generated from legalized gambling can be allocated to social programs, such as education, health, and poverty alleviation. However, this legalization option must certainly be done with caution and in-depth study to ensure that the benefits outweigh the risks it entails. In addition, the government can also shift the focus of the community by providing alternative entertainment and legal games that can be a means of recreation without having to engage in gambling.

In addition to economic and legal approaches, social and educational approaches also play an important role in the reconstruction of laws related to online gambling. Education campaigns to the public about the dangers of online gambling should continue to be encouraged. The public needs to be given an understanding of the social and financial impacts caused by gambling, including the potential economic destruction of individuals and families due to gambling addiction. In addition, community empowerment is also an effective strategy in suppressing the number of online gambling. Skill training and economic empowerment programs can be provided to people groups who are vulnerable to gambling so that they have other alternatives to improve economic well-being without having to engage in gambling activities.

Rehabilitation efforts for individuals addicted to online gambling are also an important part of legal reconstruction. The government needs to provide rehabilitation services that include psychological counseling and social reintegration support for gamblers who want to quit. This rehabilitation Program should be designed in such a way that it can help individuals in overcoming gambling addiction as well as give them the opportunity to start a new, more productive life. In addition, a post-rehabilitation surveillance system also needs to be implemented to ensure that former gamblers do not re-engage in gambling activities.

International cooperation is also a crucial aspect in the eradication of online gambling in Indonesia. Online gambling often involves servers based overseas, so law enforcement at the national level often faces obstacles in eradicating gambling platforms operating outside of Indonesia's jurisdiction. Therefore, the Indonesian government needs to establish cooperation with other countries in an effort to overcome international online gambling networks. Cross-border regulation must be strengthened to enable Indonesia to crack down on online gambling platforms based in other countries through the mechanism of extradition of perpetrators and cooperation with international agencies such as Interpol.

Cultural aspects and religious values should also be taken into consideration in the reconstruction of laws related to online gambling in Indonesia. As a country with a majority Muslim population, regulation on online gambling should reflect the moral and cultural values embraced by the people of Indonesia. Legal adjustments with religious and customary values that apply in Indonesia are important so that the regulations applied can be accepted by the community at large and have strong social legitimacy.

The biggest challenge in the reconstruction of online gambling laws in Indonesia is the global scale of online gambling activities that continue to grow rapidly. Online gambling involves an international network that is difficult to track down and eradicate completely. In addition, technological advances

⁸ Raitio, J. (2003). The principle of legal certainty in EC law. In *Law and philosophy library*. <https://doi.org/10.1007/978-94-017-0353-6>

⁹ Dwivedi, Y. K., Hughes, L., Baabdullah, A. M., Ribeiro-Navarrete, S., Giannakis, M., Al-Debei, M. M., Dennehy, D., Metri, B., Buhalis, D., Cheung, C. M., Conboy, K., Doyle, R., Dubey, R., Dutot, V., Felix, R., Goyal, D., Gustafsson, A., Hinsch, C., Jebabli, I., . . . Wamba, S. F. (2022). Metaverse beyond the hype: Multidisciplinary perspectives on emerging challenges, opportunities, and agenda for research, practice and policy. *International Journal of Information Management*, 66, 102542. <https://doi.org/10.1016/j.ijinfomgt.2022.102542>

provide new loopholes for online gambling players to continue operating, so the legal system must be constantly updated in order to anticipate these developments. Legal gaps are also a significant problem, where existing regulations are often unable to keep up with the pace of technological development, creating obstacles in law enforcement.

Article 303 bis paragraph 1 of the criminal code governing the crime of gambling needs to be reconstructed to be more relevant to the Times. This article basically aims to crack down on actors involved in gambling activities, but the existing provisions are often considered not clear enough in regulating technology-based gambling such as online gambling. In addition, there is debate about the legalization of gambling in certain areas as well as inconsistencies in law enforcement, where small actors are more often dealt with compared to large-scale gambling organizers.

One of the steps in the legal reconstruction of Article 303 bis paragraph 1 of the criminal code is to update the definition of gambling to include technology-based gambling and clarify the categories of games that are considered gambling. More specific definitions are needed to avoid multiple interpretations in law enforcement as well as provide clarity for the public regarding the limits of activities that are categorized as illegal gambling. In addition, there needs to be clear boundaries between illegal gambling and gambling that can be regulated by the state through licensing mechanisms.

A partial decriminalisation approach could also be considered in legal reconstruction, where criminalisation of small-time gamblers could be reduced or removed, while more severe sanctions imposed on large-scale gambling operators. Licensing mechanisms for certain forms of gambling that provide benefits to the state may also be considered, with strict oversight and high taxation of officially operating gambling operators.

The increase in sanctions for the organizers of large gambling became an important step in the reconstruction of the law. More severe sanctions need to be imposed on bookies that operate gambling without official permission, both in conventional and online forms. Law enforcement must also be carried out proportionally so that there is no excessive criminalization of small actors, while large organizers can escape the law.

The integration of technology in the regulation of online gambling must be done so that the law can anticipate the development of the digital world. Regulation of online gambling sites and electronic transactions must be incorporated into legislation, involving authorized institutions such as the Ministry of Communications and Information Technology in cyber surveillance. Preventive approaches also need to be strengthened through education and socialization to the public regarding the economic, social, and psychological risks posed by gambling.

Harmonization of gambling regulation with other regulations is also an important aspect in the reconstruction of the law. Article 303 bis paragraph 1 of the criminal code needs to be adapted to related laws, such as the electronic transactions, consumer protection and anti-money laundering laws. The regulation should also affirm the distinction between gambling and skill-based games that have a competitive aspect without the adverse element of betting.

The legal reconstruction of online gambling must be based on the principles of social justice, the relevance of the Times, and the efficiency of law enforcement. The regulations should reflect social conditions and modern technological developments, and focus on the systematic and systematic eradication of large actors, not just small ones. With a comprehensive legal reconstruction, it is hoped that regulations related to online gambling in Indonesia can be more relevant, fair, and effective in overcoming online gambling problems in the digital era.

Conclusion

This study confirms that the reconstruction of the law on online gambling in Indonesia is an urgent need that must be done thoroughly. The legal uncertainty in Article 303 bis paragraph (1) of the Criminal Code has given rise to various conflicting interpretations, especially in relation to gambling licenses that can be granted by the competent authorities. This condition creates ambiguity in the implementation of the law and complicates efforts to eradicate gambling, especially online gambling which is growing along with technological advances.

The effectiveness of the law in overcoming online gambling problems still faces various obstacles, including in aspects of law enforcement, limited means of support, low public awareness of the law, as well as regulatory misalignment with the development of digital technology. The current law has not been able to fully suppress the number of online gambling because there are still differences in the nature of the sanctions provided for in the Criminal Code and the Electronic Information and Transactions Law. This difference triggers confusion in the application of the law and opens up opportunities for online gamblers to look for legal loopholes in their favor.

The legal reconstruction of Article 303 bis paragraph (1) of the Criminal Code should include several main aspects, namely the updating of the definition of gambling to include technology-based gambling, a partial decriminalization approach to distinguish between small-scale gambling and large-scale gambling, increased sanctions for gambling organizers, and the integration of technology in supervision and law enforcement. In addition, the revision of the law should be carried out taking into account social and educational approaches in order to increase public awareness of the negative impact of gambling.

Increased cooperation between the government, law enforcement agencies, and the banking sector is a strategic step in closing access to online gambling sites and controlling financial transactions related to gambling activities. International cooperation is also an important part in the reconstruction of online gambling laws in Indonesia, considering that online gambling often operates through servers based abroad. Indonesia needs to build cooperative relationships with other countries as well as international organizations such as Interpol to crack down on cross-border online gambling networks. This effort must be accompanied by strengthening regulations that are in line with Indonesian social and cultural values, so that the laws applied have strong legitimacy in the eyes of the community.

With a comprehensive legal reconstruction, it is hoped that regulations related to online gambling can be more relevant, fair, and effective in tackling gambling problems in the digital era. The law must be able to provide certainty as well as protect the public from the adverse effects of gambling that are not only detrimental to individuals but also socially and economically. Clarity of regulation as well as increased supervision and enforcement of the law will be key in ensuring that the law truly serves as an effective tool of social control in society.

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