

Criminal Responsibility for Defendants in Online Gambling Crimes under Article 303 Paragraph (1) Number 2 of the Indonesian Penal Code (A Case Study of Verdict Number 145/Pid.B/2024/PN.Lmg)

Bambang Hariyanto¹, Cipto Kuncoro², Moh. Hudi³, Siti Afiyah⁴, Ariefah Sundari^{5*}

^{1,2,3,4,5}Universitas Islam Darul 'Ulum Lamongan, Jawa Timur, Indonesia

*email: ariefah.sundari@unisda.ac.id

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ABSTRACT

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*Criminal
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Online gambling is a modern criminal phenomenon that has rapidly developed in Indonesia, in line with the increasing penetration and utilisation of information technology across various aspects of societal life. The ease of access, the anonymity of perpetrators, and its cross-border reach render online gambling a complex form of crime that is difficult to eradicate through conventional law enforcement mechanisms. This situation gives rise to legal issues concerning regulation and the imposition of sanctions, particularly in determining whether the elements of online gambling offences can be fully subsumed under the elements of gambling as stipulated in the Indonesian Penal Code. This study aims to analyse the conformity of the elements of online gambling offences with the provisions of Article 303 paragraph (1) number 2 of the Indonesia Penal Code, as well as to examine the legal considerations employed by judges in delivering verdicts on online gambling cases. The research is conducted using normative legal methods, employing statutory, conceptual, and case approaches, with a focus on Decision Number 145/Pid.B/2024/PN.Lmg as the primary reference. The findings reveal that online gambling shares substantial elements with conventional gambling, yet differs in terms of media and modus operandi. These differences necessitate the

application of specific legal provisions (*lex specialis*), as regulated under Law Number 11 of 2008 concerning Electronic Information and Transactions. Furthermore, the analysis of judicial considerations indicates that electronic evidence and contextual legal interpretation, aligned with technological developments, are key factors in ensuring verdicts that are responsive to the dynamics of modern crime.

ABSTRAK

Kata Kunci :
Pertanggungja
waban Pidana,
Judi Online,
KUHP

*Perjudian online merupakan fenomena kejahatan modern yang berkembang pesat di Indonesia, seiring meningkatnya penetrasi dan pemanfaatan teknologi informasi dalam berbagai aspek kehidupan masyarakat. Kemudahan akses, anonimitas pelaku, serta jangkauan yang lintas batas menjadikan perjudian online sebagai bentuk kejahatan yang kompleks dan sulit diberantas dengan mekanisme penegakan hukum konvensional. Kondisi ini menimbulkan persoalan hukum terkait pengaturan dan penegakan sanksi, khususnya dalam menentukan apakah unsur-unsur tindak pidana perjudian online dapat sepenuhnya disubsumsi ke dalam unsur-unsur perjudian yang diatur dalam Kitab Undang-Undang Hukum Pidana (KUHP). Penelitian ini bertujuan untuk menganalisis kesesuaian unsur-unsur tindak pidana perjudian online dengan ketentuan Pasal 303 ayat (1) nomor 2 KUHP, serta mengkaji pertimbangan hukum hakim dalam penjatuhan putusan pada perkara perjudian online. Kajian dilakukan melalui metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus, dengan studi terhadap Putusan Nomor 145/Pid.B/2024/PN.Lmg sebagai rujukan utama. Hasil penelitian menunjukkan bahwa perjudian online secara substansial memiliki kesamaan unsur dengan perjudian konvensional, namun berbeda dalam hal media dan modus operandi. Perbedaan ini menuntut penerapan ketentuan hukum khusus (*lex specialis*) sebagaimana diatur dalam Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE). Selain itu, analisis terhadap pertimbangan hakim mengungkap bahwa bukti elektronik dan penafsiran hukum yang kontekstual terhadap perkembangan teknologi menjadi faktor kunci dalam memastikan putusan yang responsif terhadap dinamika kejahatan modern.*

1. INTRODUCTION

Gambling, particularly in its online form, has emerged as a multifaceted legal and social phenomenon in Indonesia (Widijowati et al., 2025). While Article 303 of the Indonesian Penal Code (Kitab Undang-Undang Hukum Pidana, KUHP) explicitly regulates conventional gambling, it fails to comprehensively address the complexities of online gambling, which operates through digital platforms and transnational networks (Sangwan, 2025). The increasing number of prosecutions involving online gambling reflects a

persistent gap between traditional penal norms and the evolving character of digital crime (Taubayev et al., 2025). Although law enforcement efforts have intensified, including high-profile arrests such as that of Agus Hariono in Lamongan Regency, the judicial application of existing provisions remains a subject of contention. The absence of a clear doctrinal consensus on whether online gambling should be prosecuted under the Indonesian Penal Code or the more specific provisions of the Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) creates significant uncertainty in law enforcement. This legal ambiguity underscores the inadequacy of current interpretive approaches in effectively capturing and regulating online gambling practices, both substantively and procedurally.

This research addresses two fundamental legal questions. *First*, it examines whether the defining elements of online gambling such as the use of electronic platforms, virtual transactions, and algorithm-driven outcomes can be equated with the constituent elements of gambling offences as formulated under Article 303 of the Indonesian Penal Code. *Second*, it investigates the judicial reasoning underlying the imposition of criminal liability on defendants in online gambling cases, using Verdict Number 145/Pid.B/2024/PN.Lmg as a case study. These inquiries are critical to determining whether online gambling falls within the existing criminal law framework or necessitates a distinct legal approach, particularly in light of the evidentiary and infrastructural complexities posed by digital environments.

The urgency of this study arises from the exponential growth of online gambling in Indonesia and the legislative gap in effectively curbing its proliferation. The widespread availability of mobile applications, digital payment systems, and anonymous online platforms has rendered gambling more accessible than ever (Tumanggger & Yusuf, 2025), thereby amplifying its social consequences, including financial harm, moral degradation, and family breakdown (Igomu et al., 2024). The central issue is no longer whether gambling is unlawful, but whether the legal system is equipped to adapt to its digital transformation. Accordingly, this study seeks to contribute to doctrinal development, legal reform, and judicial awareness in addressing technologically mediated crimes. By clarifying legal ambiguities and identifying enforcement gaps, it aims to lay a constructive foundation for harmonising criminal law with the dynamics of modern crime.

In a broader comparative perspective, the rise of online gambling poses significant challenges for legal systems worldwide. Jurisdictions such as the Philippines and the United Kingdom have adopted licensing regimes for online gambling operators, while others, including Indonesia, maintain a prohibitionist stance. This divergence reflects underlying philosophical tensions between economic liberalism and public morality. In Indonesia, the constitutional framework of a *rechtsstaat* mandates state intervention where socio-economic activities threaten public order and justice. As Siti Afiyah notes, the Indonesian legal state is not merely formalistic but aspires to protect substantive justice through regulation and enforcement. This philosophical foundation legitimises the criminalisation of online gambling as a form of normative control grounded in constitutional values (Azzuhri, 2025).

The analysis in this research is anchored in the theory of criminal liability, particularly the requirement that a punishable offence must comprise both objective and subjective elements. Following (Moeljatno, 1983)'s conception, a crime entails not only an unlawful act (*actus reus*) but also a culpable mental state (*mens rea*), such as intent or negligence, and must be punishable under written law. This framework is indispensable for determining whether defendants in online gambling cases meet the threshold for criminal responsibility. In addition, the study applies the principle of *lex specialis derogat legi generali*, whereby specific provisions take precedence over general ones when governing the same subject matter. The ITE Law, which explicitly criminalises online gambling conducted via digital platforms, functions as *lex specialis* to the more general gambling provisions of the Indonesian Penal Code. Together, these theoretical foundations provide a basis for examining both doctrinal coherence and judicial interpretive practices in concrete cases.

The application of *lex specialis* in Indonesian criminal law reflects a growing recognition that specialised statutes must address specific phenomena, particularly those involving advanced technology (Syuib et al., 2024). While the Indonesian Penal Code serves as the foundational codification of criminal law, it cannot always accommodate the nuanced dimensions of cybercrime. As a result, courts are increasingly required to adopt a dual-normative approach balancing general legal principles with the necessity for specificity. As (Sudarto, 1981) observes, criminal law must evolve in tandem with societal change, not solely through the expansion of penal provisions but through the recalibration of regulatory mechanisms.

Existing scholarship on gambling offences in Indonesia has predominantly addressed enforcement limitations and the normative scope of the law. For example, Rahma Mailantika's research at State Islamic University (UIN) Sultan Syarif Kasim Riau examined the challenges faced by police in applying the ITE Law to online gambling cases, highlighting issues such as inadequate IT infrastructure and procedural constraints. Similarly, Fricillia Geybi Manaroinson and colleagues at Universitas Sam Ratulangi analysed criminal liability for promoting online gambling, noting overlaps between Article 303 of the Indonesian Penal Code and Articles 27 and 45 of the ITE Law. While these studies have provided valuable insights, they have not sufficiently explored how judicial reasoning is formulated in cases involving concurrent legal provisions. This research addresses that gap by analysing how judges interpret and apply overlapping norms in practice, particularly in cases involving mobile-based gambling platforms and digital payment systems. In doing so, it offers a timely and relevant contribution to both legal scholarship and the practice of criminal adjudication in the digital era.

2. RESEARCH METHOD

This study adopts a normative legal methodology underpinned by a qualitative approach, synthesising the analysis of legal norms, statutory provisions, and doctrinal interpretations relating to gambling offences in Indonesia (Soekanto & Mamuji, 2011). Particular attention is devoted to examining the coherence and applicability of Article 303 of the Indonesian Penal Code (KUHP) and Law Number 11 of 2008 as amended by Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Law) in regulating online gambling activities. The qualitative dimension is manifested through interpretative analyses of judicial reasoning, statutory construction, and overarching legal principles that influence adjudication, complemented by a case-based approach centred on Verdict Number 145/Pid.B/2024/PN.Lmg, which serves as the principal case study for evaluating judicial interpretation of gambling elements in the context of digital evidence and electronic platforms. The legal sources utilised comprise primary materials—statutory provisions, the Penal Code, and pertinent judicial decisions—secondary materials in the form of academic journal articles, scholarly monographs, and legal commentaries authored by Indonesian jurists, and tertiary materials such as legal dictionaries and encyclopaedias providing conceptual precision in

defining legal terminology, technological concepts, and procedural mechanisms applicable to gambling and cybercrime. Informants were identified through purposive sampling, consisting of judges, public prosecutors, and academic experts in criminal law, with a specific focus on those possessing demonstrable expertise in cybercrime and gambling offences. Their insights, elicited through unstructured and semi-structured interviews, enrich the doctrinal analysis by incorporating practical perspectives derived from professional experience. Data analysis is conducted using qualitative-descriptive techniques that combine normative interpretation with case-oriented reasoning, applying benchmarks such as doctrinal coherence, judicial discretion, and the principle of legal certainty to evaluate whether the prevailing legal framework adequately addresses the realities of online gambling. The in depth examination of Verdict Number 145/Pid.B/2024/PN.Lmg elucidates the judicial rationale, evidentiary considerations, and legal construction underpinning the verdict, thereby offering a nuanced understanding of the interaction between normative prescriptions and their operational enforcement in the context of contemporary gambling-related criminality.

3. RESULTS AND DISCUSSION

3.1 Online Gambling Elements as Part of Gambling Crime under the Penal Code

The first hypothesis of this study posits that the constituent elements of online gambling fulfil the requirements of gambling crimes as stipulated under Article 303 of the Indonesian Penal Code. Upon comprehensive legal and doctrinal analysis, the findings substantiate this hypothesis. Article 303 delineates the core components of gambling, namely:

- a. The presence of a game of chance;
- b. The existence of wagers or stakes;
- c. The intention to obtain financial or material gain; and
- d. Public accessibility or participation.

These components are readily identifiable in the operational structure of online gambling platforms. Despite the absence of explicit references to digital or internet-based mechanisms within the statutory language of the Indonesian Penal Code, the substantive nature of the prohibited conduct remains consistent when such activities are conducted via electronic means ([Bentara et al., 2025](#)).

Online gambling typically encompasses activities such as digital slot machines, online poker, and sports betting, wherein outcomes are determined

predominantly by chance rather than skill. This aligns closely with the prohibitions articulated in Article 303 Indonesian Penal Code, which criminalises games of chance offered for the purpose of monetary gain. The case of *Public Prosecutor v. Agus Hariono* as recorded in Verdict Number 145/Pid.B/2024/PN.Lmg—serves as a pertinent judicial illustration. In that case, the defendant transferred funds through a digital payment platform, accessed an online gambling website using personal login credentials, and participated in a luck-based game with the intent to obtain financial benefit. When assessed against the normative structure of Article 303, these factual circumstances demonstrate a clear congruence between conventional gambling activities and their online counterparts, thereby reinforcing the applicability of the provision to digital modalities.

From a doctrinal perspective, Moeljatno defines a criminal offence as a human act prohibited and punishable by law, subject to the fulfilment of certain legal thresholds. Gambling, whether conventional or online, satisfies this definition where it involves prohibited wagering for material benefit. Although the Penal Code remains silent on the medium through which gambling is conducted, Indonesian legal interpretation—guided by *asas legalitas* and *asas analogi limit* permits the application of existing provisions to conduct facilitated by technological means, provided that the *actus reus* and *mens rea* remain unchanged. This interpretive approach is further reinforced by the *lex specialis* principle embedded in Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law), which supplements the Indonesian Penal Code in addressing technology-based offences. The court's reasoning in *Agus Hariono* reflects a purposive interpretation of Article 303, thereby accommodating the evolving nature of gambling in the digital age and confirming the hypothesis that online gambling can be subsumed within the general definition of gambling crimes in the Indonesian Penal Code.

Nevertheless, the current legal framework reveals a regulatory lacuna in terms of procedural mechanisms for the investigation and prosecution of online gambling. Law enforcement agencies frequently encounter limitations in cyber forensic capabilities, including difficulties in tracing server locations, monitoring cryptocurrency or cross-border payment gateways, and authenticating digital identities of account holders. The absence of detailed procedural guidance for handling electronic evidence despite partial regulation under Articles 5 and 6 of the ITE Law creates risks of evidentiary inconsistency

and prosecutorial challenges. Without standardised protocols, the uniform application of Article 303 in online gambling cases remains vulnerable to procedural disputes and varying judicial interpretations, potentially undermining legal certainty.

In light of these challenges, integrating criminological perspectives on cyber deviance into legal analysis could enhance both normative and practical responses to online gambling. The convergence of criminal law doctrine with technological realities necessitates legislative reforms that harmonise the Indonesian Penal Code and ITE Law, ensuring both substantive coverage and operational enforceability. Such reforms should encompass the explicit recognition of online gambling within the Indonesian Penal Code, the establishment of specialised cybercrime units with forensic competence, and the codification of evidentiary standards for digital proof. This comprehensive approach would not only bridge the doctrinal gap but also address the enforcement deficits currently impeding effective prosecution, thereby aligning Indonesia's criminal justice system with the demands of contemporary cybercrime governance.

3.2 Judicial Consideration in Sentencing Based on Article 303 Penal Code

The second hypothesis in this study proposes that judges in online gambling cases continue to rely primarily on Article 303 of the Indonesia Penal Code as the main legal basis, while supplementing or reinforcing it with the provisions of the ITE Law. This hypothesis is only partially confirmed. In the examined case, the court applied a dual legal foundation—namely, Article 303 of the Indonesia Penal Code and Article 27 paragraph (2) in conjunction with Article 45 paragraph (2) of the ITE Law as the framework for its legal reasoning. This dual application demonstrates a layered judicial approach, wherein the Indonesia Penal Code serves as the general framework for gambling offences, while the ITE Law functions as a *lex specialis* to address the digital dimension of the crime.

In Verdict Number 145/Pid.B/2024/PN.Lmg, the presiding judge placed significant emphasis on digital evidence, which included the gambling application used by the defendant, transaction records from the DANA e-wallet platform, and proof of accessibility of gambling websites via the internet. Such evidence was deemed critical in establishing that the defendant's conduct was not confined to conventional betting activities but constituted active participation in a digitally structured criminal enterprise ([Gainsbury &](#)

[Blaszczynski, 2020](#)). This finding is directly relevant to the application of Article 27 paragraph (2) ITE Law, which explicitly criminalises the distribution, transmission, and facilitation of access to gambling content through electronic systems. The judge thus framed the defendant's actions as part of a broader cyber-enabled offence with significant social ramifications, including potential impacts on public morality, financial stability, and youth exposure to illicit activities.

The legal reasoning adopted by the court aligns with the established doctrine of *lex specialis derogat legi generali*, under which specific legislative provisions take precedence over more general provisions when regulating the same conduct. In this context, while Article 303 Indonesia Penal Code continues to provide the general prohibition against gambling, the ITE Law offers specific provisions addressing the online dissemination and accessibility of gambling content. This approach reflects judicial awareness of the evolving *modus operandi* of gambling in the digital age, where anonymity, transnational reach, and the integration of fintech platforms pose enforcement challenges not envisaged in the original KUHP framework. By recognising the ITE Law as a more tailored instrument, the judiciary demonstrates a pragmatic adaptation to technological realities.

Such an interpretation also resonates with scholarly perspectives, notably which of [Arief, 2011](#)), who has argued that rapid technological advancement necessitates adaptive and flexible criminal policy through the enactment and enforcement of specialised legislation. The Indonesia Penal Code, drafted in an era prior to the emergence of internet-based activities, offers a foundational prohibition but lacks the specificity required to address cyber-mediated forms of gambling. The ITE Law, conversely, is designed to regulate activities conducted through electronic systems, thereby complementing and enhancing the enforcement capacity of the general criminal code. The concurrent application of both laws, therefore, represents not a rejection of the Indonesia Penal Code but an integration of its principles with more contemporary legislative instruments.

In conclusion, the findings in this case partially confirm the original hypothesis: judges do continue to rely on the Indonesia Penal Code as a general legal basis for gambling-related offences, but they strategically prioritise the ITE Law when the mode of operation involves digital platforms and infrastructure. This blended approach not only upholds the traditional prohibitions enshrined

in Article 303 Indonesia Penal Code but also ensures that judicial decisions remain relevant, enforceable, and responsive to the complexities of modern cybercrime. By incorporating *lex specialis* provisions, the judiciary reinforces the legal framework's adaptability in addressing the intersection of criminal law and technological advancement.

3.3 Normative Overview of Gambling Crimes in Indonesian Law

Gambling, within the framework of Indonesian criminal law, has long been regarded as a violation of public order and morality. Article 303 of the Indonesian Penal Code serves as the principal normative foundation for prohibiting gambling activities, encompassing both organisers and participants. This provision criminalises acts involving wagers on games of chance that generate material gain, conducted either in public or in private with organised participation. Historically, the article is rooted in the colonial legal framework of the Dutch East Indies, originally intended to safeguard public decency and order (Angellina & Prasetyo, 2024). While its moral and social underpinnings have retained their relevance, the applicability of Article 303 to contemporary, technology-based gambling activities remains problematic, particularly as the legislative text does not expressly address digital or electronic forms of gambling.

The philosophical foundation for prohibiting gambling in Indonesia is embedded in the concept of *openbare orde* (public order), which reflects the State's obligation to maintain moral integrity and social stability. As articulated by (Arief, 2011), Indonesian criminal law is not merely punitive but also preventive and protective, serving to preserve societal values and promote normative discipline. In this sense, criminal law possesses a broader socio-regulatory function, enabling it to adapt to shifts in human behaviour, cultural practices, and technological advancements. However, this adaptability relies on a legislative framework capable of keeping pace with such changes, which has not been adequately realised in the case of gambling regulation.

The static nature of the Indonesia Penal Code, which has undergone minimal substantive revision since its inception, presents a significant challenge for legal practitioners and the judiciary when confronted with modern forms of gambling facilitated by mobile applications, encrypted payment systems, and virtual currencies. The absence of explicit terminology regarding online gambling within the Indonesia Penal Code generates interpretative ambiguity, compelling law enforcement officers and judges to extend general provisions to

novel technological contexts. This approach has often produced inconsistent judicial interpretations and conflicting precedents. Consequently, there has been an increasing reliance on ITE Law, particularly Articles 27 and 45, which regulate unlawful digital content and online criminal conduct.

Nevertheless, the concurrent application of the Indonesia Penal Code and the ITE Law has given rise to interpretative tensions, particularly in determining whether both legal instruments should be applied cumulatively or whether the ITE Law, as a specific statute governing digital activities, should wholly supersede the Indonesia Penal Code in such cases. In practice, judges have tended towards a harmonised interpretative approach, invoking the principle of *lex specialis derogat legi generali*—whereby the special law overrides the general law to prioritise the ITE Law in cases involving clear technological elements. While this approach provides a degree of practical resolution, it has not been immune from scholarly criticism. Concerns have been raised that such interpretative practices risk undermining the internal coherence of the legal system, creating legal uncertainty, and expanding prosecutorial discretion in an unpredictable manner.

Given these normative and practical complexities, the revision of Article 303 of the Indonesia Penal Code is both necessary and urgent. Such reform should incorporate explicit digital-specific language and cross-references to technological infrastructure, thereby enhancing legal certainty (*rechtzekerheid*) and ensuring greater alignment between Indonesian criminal law and the realities of a digitally interconnected society. Furthermore, the legal definition of gambling should be modernised to encompass online platforms, cryptocurrency-based transactions, and algorithm-driven gaming systems. Through these legislative updates, criminal law can continue to function as both a guardian of public morality and a responsive instrument of social regulation, capable of addressing the evolving challenges posed by digital-era offences.

3.4 Social and Economic Impacts of Online Gambling

The rapid proliferation of online gambling in Indonesia presents not only formidable challenges to law enforcement but also severe social and economic repercussions for individuals and communities. The ease of access to gambling platforms via smartphones, the anonymity afforded by digital payment systems, and the lack of robust regulatory safeguards have collectively fuelled a surge in participation, including among vulnerable demographic groups such

as youths, low-income earners, and digital migrants. In contrast to traditional gambling, online gambling operates beyond the scope of physical oversight, enabling repetitive and compulsive behaviour to develop unnoticed by family members or state authorities. This unmonitored environment creates conditions conducive to addiction, particularly when combined with the highly immersive and interactive nature of digital platforms.

From a sociological standpoint, online gambling has been consistently associated with heightened levels of personal indebtedness, family disputes, reduced workplace productivity, and deteriorating mental health conditions, including depression and anxiety disorders. Official statements from Indonesia's National Narcotics Agency (Badan Narkotika Nasional) and the Ministry of Social Affairs recognise the link between behavioural addictions—of which online gambling is a prominent example—and broader patterns of social dysfunction and criminality. The integration of online gambling with unsecured digital lending or peer-to-peer (P2P) credit facilities further exacerbates the problem, as it often precipitates prolonged financial hardship for gamblers and their households. Such financial distress may evolve into intergenerational debt, thereby perpetuating cycles of poverty and diminishing prospects for upward social mobility.

From an economic perspective, the growth of online gambling generates a paradoxical impact. On one hand, it yields significant illicit profits for operators, including those domiciled offshore; on the other, it undermines legitimate financial systems by facilitating unreported transactions, money laundering activities, and tax evasion. Findings from Indonesia's Financial Transaction Reports and Analysis Centre (Pusat Pelaporan dan Analisis Transaksi Keuangan) indicate a sharp escalation in the volume of gambling-related financial transactions, many of which circumvent government monitoring mechanisms through the utilisation of electronic wallets and cryptocurrencies. These illicit financial flows pose a direct threat to national economic stability by diverting capital from the formal economy, distorting market integrity, and eroding public confidence in the state's capacity to maintain financial transparency and governance.

The proliferation of online gambling also imposes substantial costs on the state in terms of law enforcement, cybersecurity infrastructure, and social rehabilitation services. In the absence of effective preventive strategies, the responsibility for addressing the consequences—ranging from prosecuting

offenders to rehabilitating addicts and repairing the social fabric of affected households—falls disproportionately on public institutions. This burden underscores the urgent necessity for a holistic policy framework that integrates penal enforcement with preventive education, technological regulation, and financial transparency. Without such an integrated approach, policy measures risk being reactive rather than proactive, thereby perpetuating the cycle of harm (Sulaiman & Yusuf, 2024).

Within this context, criminal law must serve not only a retributive function but also a preventive and protective one, aimed at averting structural harm to society. As articulated by legal scholar Sudarto, the scope of criminal law extends beyond mere punishment; it encompasses the prevention of harm, the protection of societal interests, and alignment with prevailing moral values. The state, as the ultimate guardian of public order, bears a constitutional mandate to ensure that the digital sphere is not transformed into an arena for vice, exploitation, and unregulated economic activity. In doing so, the legal framework must adapt to the evolving nature of technological crime while safeguarding the public from the multifaceted threats posed by online gambling.

4. CONCLUSION

This study examines the legal construct of online gambling in relation to Article 303 paragraph (1) number 2 of the Indonesian Penal Code, with particular emphasis on judicial considerations in sentencing. The findings indicate that the elements of online gambling fulfil the constituent elements of gambling offences under the Penal Code, as they encompass betting, games of chance, and the intent to obtain financial gain. Although the Penal Code does not explicitly refer to digital media, courts have adopted a functional interpretation, recognising that the criminal nature of the act is determined by its substance rather than its medium. Judicial reasoning in the analysed case, as reflected in Verdict Number 145/Pid.B/2024/PN.Lmg., demonstrates an integrated application of the Penal Code and ITE Law as *lex specialis*, with significant weight placed on electronic evidence and digital conduct. This interpretative approach underscores the necessity of addressing online gambling through a combination of general and specific legal frameworks to ensure sentencing that is proportionate, contextually relevant, and responsive to technological developments. In view of these findings, it is recommended

that lawmakers amend Article 303 to explicitly regulate digital forms of gambling, thereby reducing interpretative ambiguity and enhancing legal certainty in line with the constitutional principle of a state governed by law (*rechtsstaat*), which demands that legal norms evolve in response to societal justice needs and technological progress. Continuous judicial training is essential to maintain responsiveness to emerging forms of cybercrime and to ensure competency in handling technological evidence. Moreover, strengthening institutional synergy between cybercrime units, prosecutors, and judicial education bodies is critical, as effective law enforcement requires not only normative clarity but also practical expertise in digital casework. The integration of advanced investigative tools such as artificial intelligence, machine learning, and blockchain tracing must be balanced with procedural safeguards and judicial literacy to prevent technological sophistication from undermining fundamental rights, including the presumption of innocence and equality before the law. Further research is encouraged to explore procedural challenges and evidentiary standards in online gambling prosecutions, thereby promoting a consistent and coherent application of criminal law in the digital era.

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