

Legal Review and Impact on Society of Online Gambling in Indonesia

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Abstract

Online gambling in Indonesia has become a significant topic in the legal and social realms. This research aims to investigate the legal aspects related to online gambling practices and their impact on Indonesian society. The research method used is normative legal analysis to examine various laws, regulations and policies that regulate online gambling in Indonesia. Apart from that, a qualitative approach was also used to understand people's views and experiences regarding online gambling. The research results show that the online gambling phenomenon is a serious problem that affects society at large. Various complex factors such as economic pressure, unemployment, social environment, and lack of effective regulation have been identified as the main triggers for online gambling. Although laws have been passed to prohibit online gambling, implementation and enforcement still face significant challenges. The impact of online gambling on individuals and society includes financial problems, mental health, and social disharmony. Therefore, a holistic approach is needed that involves prevention efforts, economic empowerment, education, and effective law enforcement to overcome this online gambling phenomenon and maintain the welfare of society as a whole. With a deeper understanding of these factors, it is hoped that prevention and law enforcement efforts can be more effective in dealing with the phenomenon of online gambling in society.

A. INTRODUCTION

The phenomenon of gambling has been a part of human history since ancient times. In various cultures and societies, gambling activities have been carried out in various forms and methods (Isnaini, 2017). However, with the development of science and technology, especially with the emergence of the internet, gambling has found a new face in the form of online or online gambling. This phenomenon not only reflects the evolution of gambling itself, but also shifts in people's behavior regarding the way they engage in gambling activities (Lubis et al, 2023).

The development of information technology, especially the internet, has opened the door for easy and fast access to various websites and applications that provide gambling platforms. Along with this ease of access, people can now easily engage in various forms of gambling without having to leave the comfort of their homes (Arditha, 2023). This has significant implications for the way gambling is carried out, including the wider spread of traditional gambling games to new types of gambling emerging online (Fanani & Tritasyah, 2023).

The high availability of online gambling websites and applications has made it easier for individuals to engage in gambling activities without any geographical restrictions. (Zurohman et al, 2016). This changed the gambling landscape significantly, as there is now no longer a need to visit physical gambling venues such as casinos or sports betting venues. On the other hand, simply by using a computer or smartphone connected to the internet, a person can immediately engage in gambling from anywhere and at any time (Parandita, 2023).

However, along with this ease of access, there are also various problems associated with online gambling. Gambling abuse, financial problems and other negative impacts have become major concerns in the context of online gambling (Kurniawan et al, 2022). Additionally, legal and ethical questions also arise in connection with the regulation of online gambling, as the borders between local laws and the internet sphere are often blurred. Therefore, while online gambling brings benefits and advantages to some parties, it is important to pay attention to and address the negative consequences that may arise for society as a whole (Situmeang et al, 2023).

In Indonesia, gambling is expressly prohibited under the Information and Electronic Transactions Law (UU ITE). Article 27 paragraph 2 in conjunction with Article 45 paragraph 2 of the ITE Law states that anyone who deliberately distributes or makes online gambling accessible can be punished with a maximum prison sentence of 6 years and/or a fine of up to IDR 1 billion (Awaeh, 2017). This harsh punishment shows the Indonesian government's commitment to dealing with the problem of online gambling which is considered detrimental to society. Apart from that, Article 303 of the Criminal Code also regulates punishment for gambling players with a maximum prison sentence of 4 years and/or a fine of up to IDR 10 million (Sa'diyah et al, 2022). Thus, both parties providing and involved in online gambling can be faced with serious legal consequences in accordance with existing provisions (Zulkarnain & Harmoko, 2023).

Even though there are clear prohibitions and threats of punishment against online gambling in Indonesia, challenges in law enforcement still exist (Perkasa & Pakpahan, 2023). Continuously developing internet technology and its anonymous

nature allow online gambling perpetrators to operate in secret, difficult to identify, and difficult to stop completely (Simangunsong, 2022). Therefore, the government needs to continue to increase law enforcement efforts and cross-sectoral cooperation to tackle online gambling. In addition, it is also important to provide the public with a better understanding of the dangers and consequences of engaging in online gambling, as well as educating them about healthier and legal entertainment alternatives (Dinata, 2023).

Even though there is a clear prohibition against online gambling practices in Indonesian law, the online gambling phenomenon is still widespread in society (Gunawan et al, 2023). From a legal sociology perspective, this shows that the series of criminal regulations that ensnare online gamblers are not yet fully effective as a means of social control over people's behavior. In fact, people are still involved in online gambling activities despite the threat of strict punishment (Saputra & Pranoto, 2023). This raises questions about the effectiveness of the legislative system in dealing with online gambling, as well as its relevance and responsiveness to changing social dynamics (Wirawan & Wahid, 2022).

In this context, it is important to consider the social, economic and cultural factors that influence people's behavior regarding online gambling. The existence of pressing economic needs, an interest in risk and profit, and cultural influences that model gambling as a form of entertainment or social status, are all factors that can influence the level of public compliance with online gambling bans. Therefore, to create more effective social control, there needs to be a holistic approach that not only includes legal aspects, but also social, economic and cultural aspects in dealing with the online gambling phenomenon in society.

As academics in the field of law, it is important for us to recognize that the success of a legal rule can be judged by the extent to which the law is able to regulate people's behavior. However, in the context of enforcing the ban on online gambling in Indonesia, we often encounter complex challenges. The difficulty in eradicating online gambling in Indonesia can be caused by various factors, including easy access to internet technology, imperfections in the law enforcement system, and the lack of public awareness of the risks and consequences associated with online gambling.

A. METHOD

The research method used in this research is normative legal research (Soekanto, 2007). In this context, normative research aims to explore and collect data related to the implementation of Law No. 7 of 1974 concerning gambling in Indonesia and Law Number 11 2008 concerning Information and Electronic Transactions (UU

ITE), as well as the Criminal Code. Using this approach, research will focus on analysis of the regulations contained in these laws as well as theoretical interpretations related to their implementation in dealing with gambling, especially in online gambling context. Through this normative legal approach, it is hoped that it can provide a deeper understanding of the legal framework that regulates gambling in Indonesia, as well as provide useful insights in evaluating the effectiveness of existing legislation in dealing with the increasingly growing phenomenon of online gambling.

B. RESULTS AND DISCUSSION

The occurrence of criminal acts of online gambling is influenced by various factors that are complex and vary according to society's views. Through research results, several factors have been identified that trigger online gambling cases, including economic factors, unemployment, fun, education and the environment. Economic factors play an important role as financial stress can encourage individuals to look for quick ways to earn money, while unemployment can increase a person's propensity to seek additional opportunities, including online gambling. The social environment also plays a role, as exposure to gambling culture and social pressures can influence an individual's decision to engage in online gambling. With a better understanding of these factors, it is hoped that prevention and law enforcement efforts can be more effective in dealing with the phenomenon of online gambling in society.

Economic factors are consistently one of the main triggers for gambling crimes. Economic pressure felt by individuals or groups is often the main motivation for looking for quick ways to earn money. In the context of gambling, the hope of making large profits quickly can be a powerful attraction for individuals caught in difficult economic situations. Amid financial uncertainty, some people may see gambling as an opportunity to make a fortune or improve their financial situation, without considering the risks involved or the negative impact on themselves and society.

However, from a legal perspective, gambling is considered a disturbing criminal offense. Law no. 7 of 1974 concerning the control of gambling explicitly states that all criminal acts of gambling are considered crimes. This assertion reflects the law's view of gambling as an activity that not only violates the rules, but also harms society as a whole. In this context, law acts as a tool to enforce rules and regulate people's behavior so that they do not fall into gambling practices that can disrupt social order and welfare (Santoso & Wahyuningsih, 2018).

In an effort to tackle gambling, governments and law enforcement agencies need to adopt a holistic approach that not only addresses economic factors, but also

provides better and more sustainable alternatives to meet society's economic needs. Education about the risks and consequences of gambling, community economic empowerment, and strengthening regulations and effective law enforcement can be effective steps in fighting online gambling and maintaining the safety and welfare of society as a whole.

Unemployment plays an important role in strengthening the gambling phenomenon. The large number of unemployed people created is one of the factors that triggers individuals to become involved in gambling, especially because of the hope of earning an abundant income. When someone experiences unemployment, they often feel financially stressed and look for ways to overcome their economic uncertainty. In this situation, some individuals may see gambling as a quick and easy way out to earn money. They may have the idea that by gambling or even opening a gambling business, they can make big profits and quickly regain the financial stability they desire.

However, this view is often misleading, as gambling does not guarantee long-term financial success. Conversely, engaging in gambling practices can often worsen a person's financial situation, causing greater losses and reinforcing cycles of unemployment and poverty. Additionally, engaging in gambling can also have a negative impact on the psychological and social well-being of individuals and their families. Therefore, it is important for the government and related institutions to take concrete steps in empowering the community's economy, providing decent work opportunities, and providing the social and educational support needed to prevent individuals from falling into gambling practices as a solution to the problem of unemployment.

Education plays a very important role in shaping a person's mentality, behavior and character. Both through experiences in the family environment and formal education experienced by individuals, the learning process influences the way individuals understand the world, make decisions, and interact with the surrounding environment. The family environment is the first place where individuals begin to learn the norms, values, and ethics that form the basis of their character. Formal education, such as school, also provides opportunities for individuals to acquire knowledge, skills, and values that are important for developing into responsible citizens and playing an active role in society.

Additionally, education also has an important role in providing a better understanding of the risks and consequences of engaging in gambling practices. Through education, individuals can understand the negative impact gambling can have on finances, mental health, and social relationships. They can also be equipped with better decision-making skills and the ability to manage risks wisely. Therefore,

good and ongoing education is key to reducing the level of participation in gambling, as well as to help individuals understand the importance of choosing healthier and more productive entertainment and activity alternatives.

The environment in which individuals live has a significant influence on their behavior and decisions, including those related to the occurrence of gambling crimes. An environment that creates social or cultural pressures that support gambling can be a motivating factor for someone to engage in the practice. For example, if gambling is widely accepted or considered part of the social norm in one's neighborhood, the individual may feel compelled to take part in order to feel accepted or to go with the flow. Apart from that, having easy access to gambling places, such as casinos or betting places, in the surrounding area can also increase the risk of someone getting involved in gambling.

Apart from that, the social environment can also provide direct pressure or encouragement for individuals to engage in gambling. For example, if someone has friends or family members who are involved in gambling, they may feel attracted or influenced to try too. In addition, an environment that is excessively exposed to gambling advertising or promotions can also influence individual perceptions and behavior regarding gambling. Therefore, it is important to pay attention to the influence of the social environment in efforts to prevent and control gambling, as well as building an environment that supports healthy and positive life choices for society as a whole.

Legal provisions relating to online gambling crimes in Indonesia face challenges in implementation and enforcement. Even though Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) regulates online gambling in Article 27 paragraph (2) and Article 45 paragraph (1), its implementation is still limited. This is because there are difficulties in the investigation process regulated in article 43 paragraph (6) of the ITE Law which requires complicated procedures in arresting and detaining perpetrators. As a result, implementing these articles becomes difficult for law enforcement officials, resulting in a lack of effectiveness in handling online gambling cases (Sulistyo & Ardjayeng, 2018).

On the other hand, the application of Article 303 of the Criminal Code (KUHP) is an alternative for law enforcement officials in handling online gambling cases. However, the application of this article also raises a number of problems, especially regarding the compatibility of more traditional legal provisions with the modern context of online gambling. The Criminal Code does not explicitly regulate elements related to information technology, making it difficult to prove criminal acts of gambling committed online using relevant evidence in a cyber context (Lakoro et al, 2020).

Nevertheless, efforts need to be made to improve the existing legal framework so that it is more responsive to the growing phenomenon of online gambling. These steps could include improvements to the ITE Law to facilitate a more effective investigation process, as well as the development of specific legal provisions regarding online gambling in order to overcome obstacles faced in implementing Article 303 of the Criminal Code. In this way, it is hoped that a more robust and relevant legal framework will be created to deal with online gambling crimes, so that it will be able to provide better protection for the community and maintain social order more effectively (Hutapea et al, 2022).

The existence of online gambling has a significant and complex impact on society. One of the main impacts is the financial problems faced by individuals and their families. Participation in uncontrolled online gambling often leads to wasting money, accumulating debt, losing savings, and even bankruptcy. This financial instability can affect the overall well-being of the family, causing stress and tension among family members. Apart from financial problems, online gambling also has a negative impact on an individual's mental health. Online gambling addiction can cause significant psychological distress, such as stress, anxiety, and depression. This kind of mental disorder not only affects individuals directly involved in gambling, but can also spread to their social environment, including family, friends and co-workers.

The social impact of online gambling cannot be ignored either. Uncontrolled gambling practices can damage family relationships and cause household disharmony. Conflicts that arise related to financial and trust issues can threaten family unity. Apart from that, the crime rate in society can also increase due to online gambling, through illegal activities such as online fraud and money laundering. Furthermore, online gambling also carries the risk of abuse and addiction. The easy access and availability of online gambling can cause vulnerable individuals to quickly become addicted. Addiction to gambling not only damages an individual's personal life, but also has the potential to disrupt the social and economic stability of society as a whole.

C. CONCLUSION

The occurrence of online gambling crimes is influenced by a variety of complex and varied factors, according to the public's view. These factors include economic aspects, unemployment, social environment, fun, and education. Economic factors play a crucial role as financial stress can push individuals to look for quick ways to earn money, including through online gambling. Apart from that, existing legal provisions, both in Law no. 7 of 1974 and the Criminal Code, play a role in enforcing

rules and regulating public behavior regarding online gambling. However, challenges in implementing laws related to online gambling still exist, such as the complexity of the investigation process and the incompatibility between more traditional laws and the modern context of online gambling. The impact of online gambling on society includes financial problems, mental health, family disharmony, crime rates, and the risk of abuse and addiction. This shows the need for holistic preventive measures to overcome the online gambling phenomenon, including education about the risks of gambling, community economic empowerment, strengthening regulations, and effective law enforcement. With a better understanding of the trigger factors and impacts of online gambling, it is hoped that prevention and law enforcement efforts can be more effective in reducing online gambling practices that are detrimental to society.

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