

Juridical Analysis of Online Gambling Crimes Based on Decision Number 100/Pid.Sus/2024/Pn Sda

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ABSTRACT

The rapid advancement of digital technology has contributed to the increasing prevalence of online gambling in Indonesia, giving rise to significant social and legal challenges. This study examines the criminal liability of online gambling perpetrators based on Court Decision Number 100/Pid.Sus/2024/PN Sda and evaluates the appropriateness of the legal reasoning adopted by the court. This research employs a normative juridical method with a statutory and case approach by analyzing the Criminal Code (KUHP), the Information and Electronic Transactions Law (ITE Law), and relevant judicial decisions. The findings indicate that the judge correctly applied the constituent elements of the online gambling offense under Article 303 of the Criminal Code and Article 27 paragraph (2) in conjunction with Article 45 of the ITE Law, supported by electronic evidence and witness testimony. The decision affirms that active participants in online gambling activities may be held criminally liable under both the Criminal Code and the ITE Law. This study contributes theoretically by clarifying the construction and application of the *lex specialis* principle in online gambling cases and offers practical insights for law enforcement officials in assessing electronic evidence similar cases.

Introduction

The development of information technology in the last two decades has brought major changes to people's behavior patterns, especially related to the use of the internet in various activities. The internet, which was initially used as a medium for information exchange, has now developed into a digital space that allows social interaction, economic transactions, and entertainment to occur quickly and without limits (Adhar et al., 2025; Jaunifa et al., 2025). This progress has a positive and negative impact on people's lives. On the one hand, digital technology makes it easier to access information and opens up new economic opportunities, but on the other hand, it also gives rise to modern forms of crime that are increasingly complex, one of which is the crime of online gambling (Azis et al., 2025; Firmansyah, 2025; Sri Nur Damayana & Muh Anugrah Kurniawan Amir, 2024).

Gambling is a form of crime that has long been prohibited in Indonesian laws and regulations. In the context of the Criminal Code, the provisions regarding gambling have been regulated in Article

303 and Article 303 bis which expressly state that anyone who offers or provides the opportunity to gamble can be punished. However, technological developments have made gambling practices no longer carried out traditionally, but rather through digital platforms such as websites, gaming applications, or social networks (Putri et al., 2026; Setiawati & Dewi, 2023). This situation makes online gambling a new phenomenon that is not only difficult to detect, but also poses a major challenge for law enforcement officials (Fadhli, 2024; Hasan et al., 2023).

Online gambling has very different characteristics from conventional gambling. Easy access, the use of digital payment systems, the anonymous nature of the perpetrators, and servers that can operate from outside Indonesian jurisdiction make this activity more difficult to handle. It is not uncommon for perpetrators to use fake identities, digital accounts, or top-up systems to avoid tracking (Alamsyah & Yustitiantingtyas, 2023; Kadir et al., 2025). This condition is further exacerbated by the rampant promotion of online gambling through social media, covert advertising, and affiliate networks that target people of various age groups, including teenagers and young adults. Juridically, the implementation of gambling through electronic media is regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) as amended by Law Number 19 of 2016. Article 27 paragraph (2) of the ITE Law affirms the prohibition of the distribution or provision of access to information related to gambling, which is strengthened by the criminal threat in Article 45 paragraph (1). This provision shows that the state pays serious attention to the rise of online gambling and tries to adapt regulations to the development of information technology.

Despite this, law enforcement against online gambling still faces various obstacles. Many studies and reports show that the number of online gambling cases is increasing from year to year, while the ability of the authorities to map the network of perpetrators is still limited (Aringga & Meuraksa, 2024; Dewi et al., 2025; Indrawan & Dinata, 2025). It is not uncommon for there to be differences in interpretation in the application of articles, between using the Criminal Code as a general rule or the ITE Law as a special rule (*lex specialis*). This raises important issues related to legal certainty, harmonization of rules, and consistency in court decisions. In this context, court decisions have an important role as one of the sources of law that can provide an overview of how norms are applied in concrete cases. Decision Number 100/Pid.Sus/2024/PN Sda is one example of an interesting case of online gambling crime to analyze. This verdict not only reflects how the panel of judges assesses the elements of the criminal act charged, but also shows how evidence is carried out in technology-based crime cases. In online gambling cases, digital evidence such as screenshots, electronic transaction history, or digital conversations is one of the most important aspects of proof (Arifaid, 2017; Hasnawati & Safrin, 2023). However, digital evidence has special characteristics so it requires proper understanding in order to be legally and convincingly assessed.

Analysis of the verdict is needed to find out whether the application of the law by the judge is in line with the principles of criminal law, especially the principle of legality, the principle of error, the principle of proportionality, and the principle of prudence in assessing digital evidence. In addition, this study is also important to see whether the judge's consideration has provided justice, legal certainty, and utility to society as well as the function of law in social life. On the other hand, this study also has practical relevance because it provides an overview of the effectiveness of law enforcement against online gambling. The public needs to understand how the state responds to the

rise of online gambling, considering that this activity is not only economically detrimental, but also has an impact on morals, social stability, and family resilience. Many cases show that online gambling has caused the loss of property, a high rate of derivative crime, and triggered social conflicts in households and the environment.

Based on this background, the formulation of the problem in this study is: (1) How is the application of Article 303 of the Criminal Code and Article 27 paragraph (2) jo. Article 45 of the ITE Law in Decision Number 100/Pid.Sus/2024/PN Sda? (2) What is the judge's consideration in assessing the elements of the criminal act and electronic evidence in the case?

Method

This research uses a normative juridical method that focuses on the study of legal norms, laws and regulations, and court decisions. This method was chosen because the research aims to analyze the application of Article 303 of the Criminal Code and Article 27 paragraph (2) of the ITE Law in Decision Number 100/Pid.Sus/2024/PN Sda. The main approach is the legislative approach. This approach examines the Criminal Code, ITE Law Number 11 of 2008 jo. Law Number 19 of 2016, and other related regulations. In addition, a case approach is used to analyze Decision Number 100/Pid.Sus/2024/PN Sda in depth. This case approach investigates the facts, evidence, and judge's considerations.

The source of research data is secondary data. Primary legal materials include the Criminal Code, the ITE Law, and the Sidoarjo court decision. Secondary legal materials consist of books such as Atmadja's work on cyber law. Scientific journals such as *Amnesty Law* and the *Collaborative Journal of Science* are also used. Theses such as Wiratama's work and news articles from *Antara News* are additional. Data collection is carried out through document studies. The researcher read the court decision carefully. Then, collect relevant legal regulations from official sources. Legal literature is searched from libraries and academic databases. All data is neatly recorded and compiled.

Data analysis used descriptive-analytical techniques. First, the data is explained systematically. Second, legal norms are interpreted by constitutional and teleological methods. Third, punishment is compared to criminal law doctrines such as the principle of legality. Fourth, the importance of the law being evaluated for future law enforcement. Source triangulation is done to ensure the validity of the data.

Results and Discussion

The development of information technology has brought significant changes to the patterns and forms of criminal acts, including in gambling practices. Gambling that was previously done conventionally is now turning to internet-based digital platforms, known as online gambling. This change not only affects the modus operandi of perpetrators, but also poses new challenges for law enforcement officials in terms of normative regulation, proof, and determination of criminal liability. Therefore, an analysis of court rulings related to online gambling is important to see how positive criminal law is applied in response to the development of technology-based crime.

Decision Number 100/Pid.Sus/2024/PN Sda is one of the concrete examples of the handling of online gambling cases by the court. This case is interesting to analyze because the defendant does

not play the role of an organizer or bookmaker, but as an active player who uses online gambling applications. This ruling provides an overview of the court's tendency to expand the legal subject on which criminal liability can be held in the practice of online gambling, as well as showing how judges interpret the provisions of the applicable criminal law.

Based on the legal facts revealed at the trial, the defendant was proven to have carried out online gambling activities through an internet-based application that provided money betting games. These activities include creating a game account, topping up the bet balance through bank transfer, placing bets, and receiving the winnings to the defendant's personal account. The act was carried out consciously and repeatedly, as evidenced by the history of banking transactions, digital traces on gambling applications, and the statements of witnesses and experts examined at the trial. This fact shows that the defendant's involvement in online gambling practices was not accidental, but rather an activity that was actively carried out.

From the perspective of criminal law, gambling is a criminal offense that has long been regulated in Article 303 of the Criminal Code. This article criminalizes the act of risking something in the hope of obtaining profits that depend on the element of luck. Along with the development of information technology, the scope of gambling has expanded so that it is also regulated in Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016. Article 27 paragraph (2) of the ITE Law specifically prohibits the act of distributing, transmitting, or making accessible electronic information containing gambling. In the construction of criminal law, Article 303 of the Criminal Code functions as a general provision, while Article 27 paragraph (2) of the ITE Law is a special provision that regulates gambling through electronic media.

Analysis of the verdict shows that the judge applied the two provisions alternatively. The judge considered that the elements of the act had been fulfilled because the defendant actively placed bets using real money transferred through electronic media. The act fulfills the characteristics of gambling, namely the existence of betting, economic value, and uncertainty of results. In addition, the element of error was also proven because the defendant knew that the application used was a gambling application, replenished the balance repeatedly, and continued the activity even though he realized that the act was prohibited by law. Thus, there is no justification or excuse that can remove the unlawful nature of the defendant's actions.

One of the important aspects of this decision is the judge's interpretation of Article 27 paragraph (2) of the ITE Law. In law enforcement practice, the article is generally applied to the organizer or manager of online gambling. However, in this case, the judge interpreted that active players can also be convicted because they are considered to have contributed to "making accessible" gambling content. This interpretation shows that the courts do not limit criminal liability to the organizers only, but also include parties who actively participate in online gambling practices. This approach reflects the courts' efforts to eradicate online gambling more comprehensively.

Nevertheless, this interpretation still opens up space for academic discussion. Some views state that active players do not fully meet the element of "making them accessible" because they do not disseminate gambling content to other parties. However, in the context of law enforcement policies, criminalization of active players is seen as a step to suppress online gambling practices that

are increasingly widespread and troubling to the public. The tendency of court decisions to ensnare active players shows a repressive orientation in efforts to eradicate online gambling.

From the aspect of proof, this case shows that electronic evidence has a very important role. The judge received various electronic evidence, such as bank transaction history, screenshots of gambling activities, digital recordings, and expert testimony in the field of information technology. The receipt of the evidence is in line with the provisions of Article 5 and Article 44 of the ITE Law which recognize electronic information and electronic documents as valid evidence. This shows that the criminal justice system has adapted to the characteristics of technology-based crime, where proof relies heavily on digital footprints.

The judge's consideration in passing the verdict is not only based on the juridical aspect, but also considers the sociological aspect. From the juridical side, the judge assessed the fulfillment of the elements of the criminal act based on witness statements, expert testimony, electronic documents, and the defendant's confession. From a sociological perspective, the judge considered the impact of online gambling on society, such as the potential economic loss of the family, dependence on gambling, and the risk of other crimes that come with it. This consideration shows that judges not only focus on legal certainty, but also pay attention to the benefits of the law to society.

The implications of this ruling are quite broad for criminal law enforcement in Indonesia. The ruling emphasizes that online gambling is seen as a serious criminal offense that can be charged under the provisions of applicable criminal law. In addition, this ruling strengthens the criminal practice of active players of online gambling, not just against organizers or bookmakers. However, a mere criminal approach also needs to be balanced with prevention and education policies, considering that some online gambling perpetrators are individuals who are trapped in addiction. Therefore, the handling of online gambling should ideally rely not only on a repressive approach, but also on a more comprehensive and recovery-oriented approach.

Conclusion

Based on the results of the analysis of Decision Number 100/Pid.Sus/2024/PN Sda, it can be concluded that the application of Article 303 of the Criminal Code and Article 27 paragraph (2) jo. Article 45 of the ITE Law in online gambling cases has been carried out appropriately and in accordance with the provisions of applicable law. The judge used the two provisions in a complementary manner to reach out to gambling crimes committed through electronic media, thus showing that there is an adjustment of criminal law to the development of information technology.

The fulfillment of the elements of online gambling crimes in the verdict is legally and convincingly proven through electronic evidence, such as digital transaction history, screenshots of gambling activities, and witness statements. This shows that electronic evidence has legitimate and relevant evidentiary power in the Indonesian criminal justice system, especially in handling technology-based crimes. The judge's considerations in this verdict are not only based on the juridical aspect, but also take into account sociological aspects, including the impact of online gambling on society and the personal condition of the defendant. This reflects that the court's

decision has considered the principles of legal certainty, justice, and balanced utility in imposing a penalty.

Thus, this ruling has important implications in law enforcement against online gambling crimes, especially in affirming that active players can be held criminally liable and strengthening the role of electronic evidence in the evidentiary process. This decision can also be a reference for law enforcement officials and courts in handling similar cases in the future.

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