# Reconstruction of Criminal Law Policy on Online Gambling Promotion in Social Media

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**Abstract**

The development of digital technology has presented new challenges in criminal law enforcement, particularly regarding the increasingly massive and difficult-to-control promotion of online gambling on social media. This normative research with statutory and comparative approaches analyzes the criminal law regulations on online gambling promotion on social media and formulates an ideal reconstruction of criminal law policy to address this phenomenon. The research findings indicate that current criminal law regulations are scattered across Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of ITE Law No. 1/2024 with a maximum penalty of 10 years imprisonment and/or a fine of IDR 10 billion, as well as Article 426 of Law No. 1 of 2023 concerning the Criminal Code with a maximum penalty of 9 years imprisonment or a category VI fine. However, the implementation of legal policy still faces various complex challenges due to the rapid adaptation of perpetrators' modus operandi and limitations of the digital surveillance system. The ideal reconstruction of criminal law policy includes strengthening specific regulations for social media platforms, establishing artificial intelligence-based content detection and moderation systems, implementing corporate sanctions for negligent platforms, and enhancing multi-stakeholder coordination among law enforcers, digital regulators, and social media service providers.

**Keywords:** Criminal Law Reconstruction, Online Gambling Promotion, Social Media.

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## Introduction

The development of information and communication technology has transformed the criminal landscape in Indonesia, particularly regarding the promotion and advertising of online gambling through social media platforms. The increasingly rampant phenomenon of online gambling has created complex legal problems requiring serious attention from various parties. Data from the Financial Transaction Reports and Analysis Centre (PPATK) shows that throughout 2024, there were 209.5 million transactions related to online gambling with a fantastic total fund circulation reaching IDR 359,800,000,000,000 (three hundred fifty-nine trillion eight hundred billion rupiah), involving approximately 16.3 million active players in Indonesia.

The promotion of online gambling through social media has become the main marketing strategy exploiting the wide reach and speed of information dissemination on digital platforms. Perpetrators use increasingly sophisticated and disguised modus operandi, ranging from influencer endorsements, link insertion in seemingly ordinary content, to the use of referral codes that are difficult to detect. Influencer involvement in online gambling promotion has become a serious issue, with the National Police Criminal Investigation Agency noting that since the establishment of the Special Task Force for Online Gambling Eradication in November 2024, 85 content creators or influencers have been named suspects for allegedly promoting online gambling sites on social media.

The social and economic impacts of online gambling promotion are highly significant and harmful to society. Research shows that online gambling has caused increased family conflicts, social isolation, and damage to interpersonal relationships. Data from the Central Statistics Agency (BPS) reveals a concerning trend, where divorce cases due to gambling have increased drastically from 648 cases in 2020 to 2,889 cases in 2024. From an economic perspective, most online gambling players actually come from groups with limited income, where people with monthly income below IDR 1,000,000 use almost 70% of their income to play online gambling.

In the context of Indonesian positive law, online gambling promotion practices are acts that are explicitly prohibited and subject to criminal sanctions. Current criminal law regulations on online gambling promotion are scattered across various laws, particularly Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law) and Law No. 1 of 2023 concerning the Criminal Code (KUHP). Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of the ITE Law prohibits the distribution of gambling content with a maximum criminal penalty of 10 years imprisonment and/or a maximum fine of IDR 10,000,000,000 (ten billion rupiah). Meanwhile, Article 426 of Law No. 1 of 2023 concerning the Criminal Code regulates criminal penalties of a maximum of 9 years imprisonment or category VI fines for anyone who, without permission, offers or provides opportunities for gambling and makes it a livelihood or participates in gambling enterprises.

Although regulations are quite comprehensive, the implementation of criminal law policy on online gambling promotion on social media still faces various serious challenges. The main challenges include weak supervision and rapid adaptation of promotion modus by perpetrators, limitations of content detection and moderation systems on social media platforms in handling increasingly sophisticated and disguised online gambling promotion content, and minimal effective coordination between law enforcement officials, digital regulators, and social media platforms. Additionally, the borderless and transnational characteristics of social media add to the complexity of law enforcement, as servers and online gambling site operators are often located outside Indonesian jurisdiction.

Law enforcement practices against online gambling promotion perpetrators on social media have shown significant development with various court decisions that have become legally binding. Several cases that have received public attention include the case of Vienna

Varella Angeli Parinussa, who was sentenced to 1 year 6 months imprisonment and a fine of IDR 30,000,000 by the Denpasar District Court, as well as the case of I Kadek Darmayasa alias "Pak Rama" who was sentenced much heavier with 4 years imprisonment and a fine of IDR 300,000,000 by the Bangli District Court. The variation in sentences handed down to perpetrators shows that the Indonesian judicial system has begun to seriously handle online gambling promotion problems by considering the level of involvement, impact, and number of followers affected by these promotional activities.

The urgency of this research lies in the need to reconstruct a more comprehensive and adaptive criminal law policy to the development of digital technology. Ideal criminal law policy must be able to provide a strong deterrence effect while reaching various parties involved in the online gambling promotion ecosystem on social media, including service provider platforms that facilitate or allow such promotional content to circulate. A holistic approach integrating preventive, repressive, and restorative aspects becomes an urgent need to effectively and sustainably address this phenomenon.

The problems researched in this study are:

1. What are the criminal law regulations regarding online gambling promotion on social media?
2. What is the ideal criminal law policy reconstruction to address online gambling promotion on social media?

## Literature Review Criminal Law Policy Theory

Criminal law policy theory (penal policy or criminal law policy) is part of criminal politics that discusses how criminal law is formulated and applied to achieve the goal of protecting society from crime. According to Sudarto, criminal law policy is an effort to realize criminal legislation that suits the conditions and situations at a time and for the future. Criminal law policy includes three main stages: formulation stage (legislative policy), application stage (judicial policy), and execution stage (executive or administrative policy).

In the context of online gambling promotion on social media, criminal law policy must consider the special characteristics of cyber crimes that are transnational, rapidly developing, and utilize advanced technology. Formulation policy must be able to anticipate the development of new modus operandi and close legal loopholes that can be exploited by perpetrators. Application policy must be supported by law enforcement officials who have competence in information technology and are able to collect and analyze digital evidence. Meanwhile, execution policy must involve multi-party coordination including social media platforms, internet service providers, and telecommunications supervisory institutions.

Criminal law policy theory also emphasizes the importance of balance between penal approaches (through criminal sanctions) and non-penal approaches (through prevention, education, and community empowerment). In the digital era, non-penal approaches become very important to build awareness and digital literacy of society so they are not easily influenced by online gambling promotions rampant on social media.

## Legal Reconstruction Theory

Legal reconstruction theory is based on the thinking that law must always develop and adapt to social, technological, and societal value changes. Legal reconstruction is a systematic effort to renew, improve, or change a legal order to be more responsive to contemporary needs and challenges. In Gustav Radbruch's perspective, law must fulfill three basic values: legal certainty (rechtssicherheit), justice (gerechtigkeit), and expediency (zweckmassigkeit).

Legal reconstruction of criminal law policy on online gambling promotion on social media is needed because current regulations have not been fully effective in addressing this phenomenon. This reconstruction must consider several fundamental aspects, including: first, legal substance aspects covering criminal offense formulation, criminal sanctions, and

accountability mechanisms appropriate to digital crime characteristics; second, legal structure aspects including law enforcement institutions, inter-agency coordination, and special authority in cyber crime handling; third, legal culture aspects related to public awareness, digital literacy, and public participation in crime prevention.

Criminal law reconstruction in the digital era must also consider modern criminal law principles such as the principle of legality, the principle of subsidiarity (ultima ratio), the principle of sanction proportionality, and the principle of human rights protection. In the social media context, legal reconstruction must also pay attention to the balance between law enforcement and freedom of expression and internet user privacy rights.

## Criminal Liability Theory

Criminal liability theory is a fundamental concept in the criminal law system that regulates the basis and conditions for punishing someone who has committed a criminal act. Criminal liability is essentially a form of mechanism created to react to violations of certain acts that have been agreed upon. According to Roeslan Saleh, criminal liability is interpreted as the continuation of objective reproach that exists in criminal acts and subjectively meets the requirements to be criminally liable for the act.

In the context of online gambling promotion on social media, criminal liability is not only limited to direct perpetrators (influencers, content creators, or endorsers), but can also be extended to other parties who facilitate or profit from these activities. The concept of corporate criminal liability becomes relevant to be applied to social media platforms that deliberately allow or even facilitate online gambling promotional content to circulate on their platforms.

The requirements for criminal liability include three main aspects: first, the ability to be responsible or accountability of the perpetrator; second, the existence of unlawful acts, namely a psychological attitude of the perpetrator related to their behavior, done intentionally (opzet) or negligently (culpa); third, there are no justification reasons or reasons that eliminate criminal liability for the perpetrator. In the digital era, the concept of intention and negligence must be interpreted contextually by considering the characteristics of technology and social media platforms.

## Research Methodology

This research uses normative juridical methods that are descriptive-analytical in nature with data collection through library research. The approaches used are statutory approach and comparative approach to analyze criminal law regulations on online gambling promotion on social media and formulate ideal policy reconstruction.

Primary legal materials include the 1945 Constitution, Criminal Code (KUHP), Law No. 1 of 2023 concerning the Criminal Code, Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions, Law No. 8 of 1999 concerning Consumer Protection, Law No. 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes, and Presidential Decree Number 21 of 2024 concerning the Online Gambling Eradication Task Force. Secondary legal materials consist of criminal law textbooks, scientific journals, academic articles, research results, and legal expert opinions relevant to the research topic. Meanwhile, tertiary legal materials include legal dictionaries, Indonesian Dictionary (KBBI), legal encyclopedias, and information sources from credible internet.

Data is analyzed qualitatively through stages of data reduction (selection and simplification of data), data presentation (display data in systematic narrative form), and conclusion drawing (verification) presented descriptively-analytically to provide a comprehensive picture of legal problems and formulate relevant and applicable policy recommendations.

**Results Criminal Law Regulations on Online Gambling Promotion on Social Media**

Criminal law regulations on online gambling promotion on social media in Indonesia are explicitly regulated through various complementary laws and regulations, reflecting the government's seriousness in handling this digital crime phenomenon. Rapid technological development has driven the transformation of gambling crimes from conventional forms to digital forms that are more massive and difficult to supervise, thus requiring comprehensive and specific legal regulations.

Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) is the main legal instrument that specifically regulates online gambling crimes including promotional aspects. Article 27 paragraph (2) of the ITE Law explicitly states that everyone intentionally and unlawfully distributes, transmits, and/or makes accessible electronic information and/or electronic documents containing gambling content is strictly prohibited. This provision covers various forms of online gambling promotion conducted through electronic media such as social media, websites, applications, and other digital platforms.[

The meaning of distributing in this context is sending and/or disseminating electronic information and/or electronic documents to many people or various parties through electronic systems, while transmitting means sending gambling information to individuals or certain parties, and making accessible means providing online gambling content publicly via the internet. This broad formulation allows handling of various online gambling promotion modus on social media, from direct posting, endorsements, referral link insertion, to disguised content that directs users to online gambling sites.

Criminal sanctions regulated in Article 45 paragraph (3) of the ITE Law for violations of Article 27 paragraph (2) are very severe, namely imprisonment of a maximum of 10 (ten) years and/or a fine of a maximum of IDR 10,000,000,000.00 (ten billion rupiah). This increase in punishment threat from the previous version which was only 6 years imprisonment and a fine of IDR 1,000,000,000 (one billion rupiah) shows the government's seriousness in eradicating increasingly rampant online gambling promotion practices. This sanction aggravation is intended to provide a stronger deterrent effect to perpetrators, considering the negative impacts caused by online gambling promotion are very massive and harm society economically, socially, and morally.

In addition to the ITE Law, criminal law regulations on online gambling promotion also refer to provisions in Article 426 of Law No. 1 of 2023 concerning the Criminal Code (KUHP) which will be fully effective in 2026. Article 426 paragraph (1) of Law No. 1 of 2023 states that anyone who, without permission, offers or provides opportunities for gambling and makes it a livelihood or participates in gambling enterprises, offers or provides opportunities to the general public for gambling or participates in gambling enterprises, and makes gambling a livelihood, is punished with imprisonment of a maximum of 9 (nine) years or a fine of a maximum of category VI (equivalent to approximately IDR 2,000,000,000 or two billion rupiah).

The provision of Article 426 paragraph (2) of Law No. 1 of 2023 also regulates that if the criminal act is committed in carrying out a profession, additional punishment can be imposed in the form of revocation of rights as referred to in Article 86 letter f. This provision is very relevant to be applied to influencers, content creators, or parties who make online gambling promotion part of their professional activities on social media. Revocation of rights can be in the form of revocation of the right to carry out certain professions or revocation of the right to use certain facilities used to commit criminal acts.

Law Number 8 of 1999 concerning Consumer Protection is also relevant in the context of online gambling promotion, especially related to misleading and harmful promotional practices to consumers. Article 1 paragraph (6) of the Consumer Protection Law defines promotion as activities of introduction or dissemination of information about goods and/or services to attract consumer buying interest. In the online gambling context, this promotion is clearly contrary to

consumer protection principles because it directs society to illegal activities that have potential losses.

Article 8 paragraph (1) letter f of the Consumer Protection Law prohibits business actors from producing or trading goods and/or services that do not include information and/or usage instructions in Indonesian according to applicable provisions. In the online gambling promotion context, promotion perpetrators often do not provide clear and transparent information about financial loss risks, psychological impacts of gambling addiction, and the illegal status of gambling in Indonesia. Criminal sanctions in Article 62 paragraph (1) of the Consumer Protection Law are imprisonment of a maximum of 5 years or a fine of a maximum of IDR 2,000,000,000.00 (two billion rupiah).

The Indonesian Advertising Ethics (EPI) issued by the Indonesian Advertising Council also prohibits all forms of gambling promotion. In Roman III Letter A 2.25 it is stated that all forms of gambling and betting may not be advertised or promoted, either openly or covertly. Although EPI is not a law that is criminally binding, this provision becomes an ethical guideline in the advertising industry and can be used as consideration in law enforcement, especially in aspects of professional responsibility and business ethics.

In addition to criminal sanctions, there are also administrative sanctions enforced by the government through the Ministry of Communication and Digital (Kominfo). Administrative sanctions that can be imposed include blocking sites or social media accounts that promote online gambling so they can no longer be accessed by internet users, revocation of business licenses if the perpetrator is a company or legal entity, termination of services by internet service providers (Internet Service Provider), and administrative fines as a form of financial sanction.

The Ministry of Communication and Digital has taken firm action by closing access to various social media accounts indicated to have inserted links to online gambling sites, including influencer accounts that have many followers on Instagram. The Director General of Public Information and Communication of the Ministry of Communication and Digital emphasizes that the government will not tolerate the use of social media platforms for illegal activities that harm society.

Criminal law regulations on online gambling promotion on social media reach various parties involved in the promotion ecosystem, including influencers, celebgrams, content creators, and social media platforms that facilitate such promotion. Online gambling endorsement by celebrities or influencers is included in activities of distributing or making accessible electronic information containing gambling content, so it can be ensnared with imprisonment of up to 10 years and/or a fine of up to IDR 10,000,000,000 (ten billion rupiah). Anyone who promotes online gambling sites, creates review content or gambling affiliation, provides referral links or online gambling promo codes can be subject to the same criminal sanctions.

However, existing legal regulations still face several weaknesses and challenges in implementation. First, there are no specific regulations that comprehensively regulate social media platform responsibilities in preventing and removing online gambling promotional content. Second, coordination mechanisms between law enforcement officials, digital regulators, and social media platforms are still not optimal. Third, detection and moderation systems for disguised online gambling promotional content are still limited. Fourth, law enforcement against perpetrators outside Indonesian jurisdiction is very difficult to do. Fifth, proving elements of intent in online gambling promotion often faces technical and juridical constraints. These weaknesses form the basis of urgency to reconstruct more comprehensive and adaptive criminal law policy.

**Ideal Criminal Law Policy Reconstruction to Address Online Gambling Promotion on Social Media**

Criminal law policy reconstruction on online gambling promotion on social media is needed to answer various challenges and weaknesses of existing legal regulations. This reconstruction must be comprehensive by integrating preventive, repressive, and restorative aspects, and involving various stakeholders in the digital ecosystem. The following are important elements in ideal criminal law policy reconstruction:

1. Strengthening Special Regulations for Social Media Platforms

   The first reconstruction needed is the formation of special regulations that regulate social media platform responsibilities in preventing, detecting, and removing online gambling promotional content. This regulation must include platform obligations to conduct content moderation proactively, not just reactively after user reports. Social media platforms must be required to implement artificial intelligence and machine learning systems capable of detecting online gambling promotional content patterns, including those using disguised techniques such as link insertion in seemingly ordinary content or the use of certain codes.

   These special regulations must also regulate strict sanctions for platforms that are negligent or deliberately allow online gambling promotional content to circulate on their platforms. Sanctions can be in the form of significant administrative fines, written warnings, temporary blocking to revocation of operational licenses in Indonesia. The amount of fines must be calculated based on a percentage of platform revenue or turnover in Indonesia, thus providing a real deterrent effect. In addition, platforms must also be required to report regularly to the government regarding the number of online gambling promotional contents successfully detected and removed, as well as preventive measures that have been taken.

   The concept of corporate criminal liability must be firmly applied to social media platforms proven to facilitate or profit from online gambling promotion. Platform managers or those responsible can be subject to criminal sanctions according to the vicarious liability principle, where criminal liability is not only borne by direct perpetrators but also by parties who have supervisory and control authority.

2. Establishment of Technology-Based Detection Systems

   The second reconstruction is the establishment of integrated online gambling promotional content detection and monitoring systems between the government and social media platforms. This system must utilize artificial intelligence, machine learning, and big data analytics technologies to automatically identify online gambling promotional content patterns in real-time. Natural language processing technology can be used to detect keywords, phrases, or narratives commonly used in online gambling promotion, including in various languages and local dialects.

   Detection systems must also be able to identify suspicious accounts, such as newly created accounts but having high posting activity, accounts using fake profile photos or generated results, and accounts having abnormal interaction patterns with other accounts. Computer vision technology can be utilized to detect images or videos containing online gambling promotional elements, including gambling site screenshots, gambling game displays, or other visuals indicating gambling activities.

   An integrated database containing lists of blocked online gambling sites, promotion perpetrator accounts, and identified modus operandi patterns must be built and maintained regularly. This database must be accessible by various social media platforms and law enforcement officials to speed up detection and enforcement processes. Easy, fast, and responsive reporting systems must also be provided to facilitate public participation in reporting online gambling promotional content found on social media.

3. Strengthening Multi-Party Coordination

   The third reconstruction is the formation of effective and structured coordination mechanisms between various stakeholders in combating online gambling promotion on

social media. This coordination includes law enforcement officials (Police, Prosecutor's Office, and Judiciary), digital regulators (Ministry of Communication and Digital, Information Commission), financial institutions (PPATK, Financial Services Authority, Bank Indonesia), social media platforms, internet service providers, and civil society organizations.

The Online Gambling Eradication Task Force established through Presidential Decree Number 21 of 2024 must be strengthened with special authority additions and adequate resources. This task force must be equipped with a cyber crime specialist team that has technical competence in digital investigation, forensic analysis, and digital financial transaction tracking. Clear coordination protocols must be established to ensure fast and effective responses to reports or findings of online gambling promotional content.

International cooperation also needs to be strengthened considering the transnational nature of online gambling crimes. Indonesia must be active in regional and international cooperation forums for information exchange, perpetrator extradition, and blocking of sites and digital assets used for online gambling operations. Mutual legal assistance (MLA) agreements with countries that are server locations or online gambling site operations must be expanded and optimized.

4. Diversification of Criminal Sanctions

The fourth reconstruction is the diversification of criminal sanctions that not only focus on imprisonment and fines, but also include alternative sanctions and additional punishments that are more effective in providing deterrent effects. Criminal social work sanctions can be imposed on perpetrators with low involvement levels, where perpetrators are required to conduct anti-online gambling campaigns, provide education to society about online gambling dangers, or create educational content explaining the negative impacts of gambling.

Additional punishment in the form of seizure of assets from criminal proceeds must be applied consistently and maximally. All money or profits obtained by promotion perpetrators from illegal activities must be confiscated and forfeited to the state. Digital asset tracing mechanisms such as cryptocurrency, e-wallets, or virtual accounts must be strengthened to ensure no assets are missed from seizure.

Additional punishment in the form of publication of court decisions also needs to be applied to provide general deterrence effects. Court decisions that have become legally binding must be widely published through mass media and social media, accompanied by perpetrator identities (except children) and details of acts committed. This publication aims to provide warnings to society and other parties intending to commit similar acts.

Revocation of rights to use social media or certain digital platforms for a certain period can also be imposed as additional punishment. Perpetrators proven to have promoted online gambling can be prohibited from creating or using accounts on certain social media platforms, with strict monitoring by platforms cooperating with law enforcement officials.

5. Strengthening Proof Aspects

The fifth reconstruction is strengthening proof aspects in online gambling promotion cases on social media through clearer regulations regarding digital evidence. Laws must explicitly regulate that digital evidence such as screenshots, video recordings, metadata, activity logs, digital transaction history, and digital forensic analysis results are valid evidence and have strong evidentiary power.

Independent and credible digital evidence certification institutions need to be established to ensure the authenticity and integrity of digital evidence submitted in trials. This institution is tasked with conducting technical verification of digital evidence, providing authentication certificates, and providing experts who can give testimony in court regarding technical aspects of digital evidence.

Regulations regarding digital forensic procedures that comply with international standards must be established to ensure collected digital evidence can be accepted in court and its validity cannot be disputed. These procedures include stages of identification, preservation, analysis, and presentation of digital evidence by paying attention to strict chain of custody principles.

6. Development of Non-Penal Approaches

The sixth reconstruction is the development of comprehensive non-penal approaches as complements to penal approaches. Non-penal approaches include prevention, education, and community empowerment efforts to have awareness and ability to reject and fight online gambling promotion on social media.

Massive and sustainable digital literacy programs must be conducted to increase public understanding about how to recognize online gambling promotional content, understand negative impacts of online gambling, and know how to report such content. These literacy programs must target various segments of society, from children, teenagers, to adults, with approaches and methods appropriate to each group's characteristics.

Creative and attractive anti-online gambling campaigns must continue to be conducted through various media, including social media itself. These campaigns can involve public figures, religious figures, community leaders, and online gambling victims willing to share experiences as warnings to the wider public. Campaign content must be packaged in engaging and easily understood ways, using language and visuals appropriate to target audiences.

Empowerment of digital communities and digital watchdogs consisting of society, academics, and activists to conduct monitoring and advocacy related to online gambling promotional content on social media. These communities can serve as early warning systems that report suspicious content, conduct peer-to-peer education, and provide input to the government regarding effective policies.

Rehabilitation and counseling programs for online gambling addiction victims must also be adequately provided. The government needs to cooperate with mental health institutions, psychologists, and social organizations to provide rehabilitation services that are easily accessible, affordable, and effective for people who have become online gambling victims.[ppl-ai-file-upload.s3.amazonaws]

7. Strengthening Law Enforcement Officials' Capacity

The seventh reconstruction is strengthening law enforcement officials' capacity in handling online gambling promotion cases on social media. Special training on cyber crime investigation, digital forensics, and social media analysis must be provided regularly to investigators, prosecutors, and judges handling online gambling cases. This training must cover both technical and juridical aspects, so law enforcement officials have comprehensive understanding of digital crime characteristics.

Formation of special cyber crime units at every police and prosecutor level needs to be expanded and strengthened with additions of personnel who have competence in information technology. These special units must be equipped with advanced digital investigation equipment and software, and have access to integrated databases and information systems.

Recruitment of information technology expert personnel as civil servants or special contract workers to assist law enforcement officials in investigation and proof of online gambling cases needs to be done. These experts can serve as digital analysts, forensic experts, or technical consultants providing expert opinions in court.

Provision of adequate budgets for digital crime law enforcement operations, including for equipment procurement, training, and incentives for officials handling complex cases. Without sufficient budget support, law enforcement efforts will not be optimal and effective.

8. Harmonization and Synchronization of Regulations

The eighth reconstruction is harmonization and synchronization of various laws and regulations regarding online gambling and promotion on social media. Currently regulations are scattered in various laws such as the Criminal Code, ITE Law, Consumer Protection Law, Money Laundering Crime Law, and various derivative regulations. This condition potentially causes overlaps, inconsistencies, or even legal loopholes that can be exploited by perpetrators.

Formation of special laws concerning prevention and eradication of online gambling can be a solution to integrate all aspects of regulation in one comprehensive legal instrument. This special law can regulate in detail regarding definitions and scope of online gambling, parties that can be held accountable, criminal and administrative sanctions, law enforcement mechanisms, platform and service provider obligations, and community prevention and empowerment efforts.

Revisions to derivative regulations such as Government Regulations, Ministerial Regulations, and other implementing regulations also need to be done to ensure consistency and synchronization with existing laws. Derivative regulations must provide clear and operational technical guidelines for field implementation.

## Conclusion

Current criminal law regulations on online gambling promotion on social media are scattered across various laws and regulations, especially Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law No. 1 of 2024 concerning ITE with a maximum criminal penalty of 10 years imprisonment and/or a maximum fine of IDR 10 billion, as well as Article 426 of Law No. 1 of 2023 concerning the Criminal Code with a maximum penalty of 9 years imprisonment or category VI fine. These regulations are also supplemented with provisions in the Consumer Protection Law and Indonesian Advertising Ethics that prohibit promotion of illegal products or services including online gambling. However, the implementation of these legal regulations still faces various complex challenges such as weak supervision, rapid adaptation of perpetrators' modus operandi, limitations of disguised content detection systems on social media platforms, and minimal effective coordination between law enforcement officials, digital regulators, and social media platforms.

Ideal criminal law policy reconstruction to address online gambling promotion on social media must be comprehensive and integrative by covering eight main elements. First, strengthening specific regulations that regulate social media platform responsibilities in preventing, detecting, and removing online gambling promotional content with strict sanctions for negligent platforms. Second, establishment of detection and monitoring systems based on artificial intelligence and big data analytics for automatic and real-time content identification. Third, strengthening structured multi-party coordination between law enforcement officials, regulators, social media platforms, and civil society, including international cooperation. Fourth, diversification of criminal sanctions including alternative punishments, additional asset seizure punishments, decision publication, and revocation of rights to use digital platforms. Fifth, strengthening proof aspects with clear regulations regarding digital evidence and establishment of digital evidence certification institutions. Sixth, development of non-penal approaches through digital literacy, anti-online gambling campaigns, digital community empowerment, and victim rehabilitation. Seventh, strengthening law enforcement officials' capacity through training, formation of special cyber crime units, and provision of adequate budgets. Eighth, harmonization and synchronization of laws and regulations or formation of special laws concerning prevention and eradication of online gambling.

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