

Juridical Review of the Gambling Element in the Higgs Domino Islands Online Game According to the Criminal Code and the ITE Law

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Abstract

This study analyzes the elements of gambling in the game Higgs Domino Islands based on Article 303 of the Criminal Code and Article 27 paragraph (2) of the ITE Law through a normative juridical method with a legislative approach and literature study. The findings show that the mechanism of the game, especially the use and circulation of chips as a betting tool that can be converted into real money, meets the criteria for gambling crimes according to both the Criminal Code and the ITE Law. Law enforcement data also shows an increase in digital gambling cases, thus strengthening the empirical basis for the classification of these activities as unlawful acts. This study concludes the need to strengthen regulations on digital game platforms, increase supervision of electronic transactions, and optimize public digital literacy to prevent the abuse of games as a means of covert gambling.

Keywords: Online Gambling, Higgs Domino Islands, Game Online

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Introduction

The rapid development of information and communication technology over the past decade has changed almost all aspects of the socio-economic life of Indonesian society, including the way people interact, make transactions, seek entertainment, and make a living (Widiastuti & Saragih, 2025). For mobile internet access that is getting cheaper and smartphone devices are widespread, the applications contained in smartphones are easier to use. One of the applications that is currently used among children to adults is online games which are one of the easiest forms of digital entertainment to reach by various age groups who are at productive age. This phenomenon not only has an impact on changing consumption patterns of digital culture, but also opens up new spaces for informal economic practices and virtual transactions that are sometimes in the legal gray zone. In this context, the emergence of gambling practices that utilize digital gaming platforms, both through in-app purchase features and virtual item exchange mechanisms, which are increasingly real social and legal problems in Indonesia (Rindasiwi, 2022).

One of the cases that has recently often appeared in public discourse and academic research is the Higgs Domino Islands phenomenon. Higgs Domino is a popular game application in Indonesia because it presents domino-based games and virtual slot machines that use chips as game units (Andhika, 2024). Beyond the function of chips as game instruments in applications, the practice of buying and selling chips through marketplaces, agents, or social media has grown rapidly so that the chips function like virtual currencies that can be cashed out by certain parties (Rahmadani, 2022). The activity of buying and selling and betting using chips is what many researchers and law enforcement officials have identified as a mode of online gambling under the guise of games. Cases of enforcement and local academic studies show an increase in complaints and cases involving Higgs Domino as a means of gambling since the pandemic onwards (Saputra, 2024).

Normatively, gambling crimes in Indonesia are regulated primarily through provisions in the Criminal Code, specifically Article 303 and its provisions concerning gambling operations and activities that benefit organizers or intermediaries. This article is traditionally interpreted to apply to conventional gambling cases (Alamsyah, 2023). However, the principles contained therein, such as the element of wagering money or goods, the element of seeking profit based on games that rely on luck, and the element of organizing or intermediary, can be applied to gambling practices that emerge in the digital realm if these elements are met. Understanding these elements is crucial to answering the main legal question: whether the game mechanics and transactions in Higgs Domino fulfill the elements of a gambling crime under Article 303 of the Criminal Code. If these elements are met, it is necessary to determine which parties can be held criminally responsible, including users, chip sellers, agents, and platform managers. To prove and apply these elements, an in-depth legal study is necessary.

In addition to the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE, most recently amended through Law No. 19 of 2016) is a crucial legal instrument for examining gambling activities that utilize electronic means. The ITE Law provides a legal framework for addressing the dissemination of illegal content, unlawful electronic transactions, and the role of electronic system operators in monitoring activity on the platforms they operate (Najwa, 2024). In enforcement practice, state officials often utilize the provisions of the ITE Law to block access, request the removal of content, or prosecute parties facilitating illegal activities through electronic means (Mellyuana, 2025). However, this regulation still faces significant challenges, such as limited jurisdiction over applications operating from abroad, difficulties in identifying responsible actors, both independent chip sellers and application developers, and potential conflicts between the freedom of business and entertainment and the need to protect the public from gambling practices. Therefore, an integrated analysis of the Criminal Code and the ITE Law is necessary to produce a comprehensive normative solution to address the problem of game-based gambling (Sitanggang et al., 2023).

Law enforcement against online gambling faces significant operational and structural barriers. Media reports and law enforcement data indicate that the Indonesian government has made significant efforts, including the closure of millions of illegal gambling sites and the freezing of associated accounts. However, gambling practices through popular apps remain difficult to eradicate completely due to its distributed nature, the use of informal payment services, and the existence of accounts/agents operating outside the official app ecosystem. Furthermore, authorities have encountered challenges in proving the transfer and exchange of goods of economic value, from chips to cash, and in determining the involvement of app developers when commercial transactions are conducted by third parties. This situation raises a practical need to clarify the criteria for proving gambling in the digital realm and the mechanisms for cooperation between institutions (regulators, payment providers, platforms, and law enforcement) (Noorfadilasyah & Karim, 2024).

From a social and public health perspective, the expansion of online gambling is not only a formal legal issue but also has the potential to cause serious social impacts. These impacts include financial loss to families, addiction, decreased productivity, disruption of household relationships, increased risk of crime, and various mental health problems (Fasa, 2024). International reports and scientific studies indicate that online gambling products, particularly games resembling slots and in-game loot box features, can increase the risk of gambling disorders in young people. In Indonesia, various local studies have revealed that adolescents and university students are vulnerable to exposure to online gambling practices due to easy access via mobile phones and the widespread circulation of chips in schools and campuses. These various social implications emphasize the urgency of conducting legal research. In addition to examining the legality of related activities, research should also produce policy recommendations that can strengthen prevention efforts and provide more effective protection to the community.

Thus, there is an urgent academic and practical gap that needs to be addressed: although a number of local studies and law enforcement decisions have highlighted cases related to Higgs Domino, there is still a lack of comprehensive legal studies that systematically examine (1) whether and how the elements of the crime of gambling under Article 303 of the Criminal Code are fulfilled in game-based transactions such as chip trading, and (2) how the provisions of the ITE Law can be used effectively to address the technical and transactional aspects of online gambling without violating the principles of fair punishment and legal freedom. This study aims to fill this gap with a normative-legal approach that integrates analysis of statutory texts, case studies of chip trading practices, and a review of law enforcement efforts and applicable policy recommendations for law enforcement officials and regulators. Thus, this study is expected to contribute to strengthening the legal framework and strategies for handling online gambling in Indonesia that are relevant to current digital dynamics.

Literature Review

The Concept of Online Gambling

Gambling is defined as an activity involving betting or wagering money, goods, or certain economic values on an event whose outcome depends on chance or luck, with the aim of obtaining a profit that has economic value. Meanwhile, in criminal law literature, it is a game activity whose main elements include the following: (1) the existence of a bet; (2) the possibility of obtaining a prize; and (3) the outcome of the game that depends on luck (Suharya, 2019). In the rules of the Criminal Code, these terms are used to determine whether an activity meets the elements of the crime of gambling (Fajri, 2024). However, in the digital environment, new forms have emerged that challenge the limits of traditional definitions, namely when the game value unit is in the form of tokens/coins/chips that can be exchanged outside the game

environment so that it still has economic value in the real world. Online gambling refers to all betting activities facilitated by the internet, including online sports betting, online casinos, slot-based games, and in-game mechanisms such as loot boxes or token purchases, where players use money or other tangible assets to wager on chance-based outcomes. The hallmarks of online gambling are its electronic transactional nature, relative anonymity, cross-border transactions, and the use of microtransaction mechanisms that facilitate easy access, making the evidentiary and regulatory aspects more complex than those of conventional gambling.

Online gambling occurs in several forms relevant for legal analysis, namely: (1) Live betting platforms (sports betting, online casinos); (2) Gambling based on third-party applications/websites that provide betting services; and (3) gambling mechanisms hidden in games such as loot boxes, gacha, or token/chip systems that can be purchased, wagered, and ultimately cashed out through unofficial or informal channels (Muhammad, 2024). A legal analysis of online gambling needs to be rooted in several criminal law theories. First, the theory of elements of crime (*actus reus* & *mens rea*) which requires a breakdown of objective (act) and subjective (fault) elements so that an act can be qualified as a crime. Second, the theory of vicarious liability or strict liability becomes relevant when it is difficult to prove that the platform or third party (e.g., platform organizers, server owners, or marketplaces) had the intent to violate, but the access and facilities they provide result in gambling. Policymakers and courts need to decide to what extent such responsibility can be imposed. Third, theories of the purpose of punishment such as deterrence and social defense explain why punishment is given not only to provide sanctions but also to protect society from social harm (e.g., addiction, financial loss).

Game Online Higgs Domino Island

Higgs Domino Islands (hereinafter abbreviated as Higgs Domino) is an Android-based game application that combines various domino and slot machine game variants in an online format (Andhika, 2024). Its popularity in Indonesia is growing rapidly due to its ease of access via smartphones, user-friendly interface, and in-app purchase mechanism for acquiring chips used as playing capital. The game's mechanics generally combine elements of chance and skill in a variety of card and slot games, while chips serve as virtual monetary units required to participate in game rounds (Alamanda et al., 2023). In practice, chips can be obtained through top-ups using official payment methods provided by the application, or through transfers between players as winnings. From a technical perspective, features that have come under regulatory scrutiny include: (1) the element of spending real money to purchase chips through top-ups, (2) the existence of a random win mechanism in certain slot or game modes, and (3) the potential for converting chip values into real money through secondary markets or unofficial agents (Putra et al., 2022). It is the combination of these three elements that raises the legal question of whether the activities in this ecosystem fulfill the elements of gambling as referred to in criminal regulations.

Positive Legal Framework

The Criminal Code serves as the primary basis for regulating gambling crimes in Indonesia. The most relevant provision is Article 303 of the Criminal Code and its explanatory paragraphs, which regulate the organization of gambling, participation in gambling, and sanctions for parties who profit from gambling (Agustian & Manik, 2021). The classical interpretation of Article 303 places three main elements as the basis for the crime: (1) the

existence of a game as the object of behavior, (2) betting or wagering money/goods/value, and (3) the element of chance as a determinant of the outcome of the game. Criminal penalties are directed not only at players but also at organizers, intermediaries, and parties who make gambling a livelihood. The ITE Law (as amended by Law No. 19 of 2016) does not explicitly regulate gambling crimes in the form of a separate article, but contains provisions that can be utilized in the context of handling gambling practices through electronic means. Article 27 paragraph (2) of the ITE Law prohibits anyone from disseminating "gambling content" through electronic systems, thus enabling authorities to prosecute those who disseminate gambling content or facilitate gambling transactions through digital platforms. Furthermore, the ITE Law regulates the obligations of electronic system organizers (PSEs) to manage content on their platforms, as well as administrative cooperation mechanisms (requests for deletion/termination of access) between regulators and platform providers (Setiawan, 2021).

Handling online gambling involves a number of derivative policies and implementing agencies. The Ministry of Communication and Informatics plays a strategic role through policies to block access and take down content or applications suspected of facilitating online gambling, as well as issuing operational guidelines for cyber patrols. Kominfo publicly reports the large volume of content taken down and coordinates with law enforcement officials for criminal follow-up. Blocking practices have been used as a quick measure to reduce public access to applications that violate regulations. Although the Criminal Code and the ITE Law provide a legal basis, several fundamental challenges hamper law enforcement against game-based gambling such as Higgs Domino: (1) the unclear status of virtual units (chips/tokens) as to whether they have legal value as "bets"; (2) identification of actors, which are often scattered (players, local agents, non-resident organizers); (3) the electronic evidence needed to prove value flows and organizer involvement; and (4) cross-border jurisdiction if the infrastructure or application management is located outside of Indonesian jurisdiction. These gaps require policy reform and strengthening the technical capacity of law enforcement.

Research Methodology

This research uses a normative legal approach, focusing on analyzing the provisions of Article 303 of the Criminal Code and the Electronic Information and Transactions Law (ITE Law) in relation to the practice of the Higgs Domino Islands online game. This approach was chosen because the issues studied are directly related to the interpretation of norms, the application of elements of criminal gambling, and the evaluation of regulatory adequacy in addressing the development of digital technology. The research data is sourced from primary legal materials in the form of the Criminal Code, the Electronic Information and Transactions Law, implementing regulations for the Electronic Gambling Service (PSE), and court decisions. Secondary legal materials were collected through research methods textbooks, criminal law literature, indexed journals related to online gambling, and official reports from the Ministry of Communication and Information Technology and the Police. All materials were collected using document study techniques through searches of legal databases, journal portals, and official university repositories. Conceptual, legislative, and case approaches were used simultaneously to strengthen the theoretical and contemporary analysis (Widiarty, 2024).

Data analysis was conducted qualitatively and normatively using descriptive, interpretative, and prescriptive techniques. The interpretation employed grammatical, systematic, and teleological methods to examine whether the chip buying and selling practices and the Higgs Domino game mechanism meet the elements of gambling as defined in the Criminal Code, and to assess the extent to which the provisions of the ITE Law can be applied

to electronic activities that facilitate gambling. Source triangulation was conducted by comparing regulations, doctrines, and decisions to ensure the validity of the findings. The analysis results were then synthesized into normative and policy recommendations that can be used as a basis for formulating law enforcement strategies and strengthening the regulatory framework for online gambling in Indonesia.

Results

The results of the study indicate that the gaming practices in the Higgs Domino Islands application have characteristics that are substantively close to the elements of gambling crimes as regulated in Article 303 of the Criminal Code, especially regarding the elements of "goods at stake, promised profits, and depending on luck." Based on the Kominfo report (2023), chips in Higgs Domino have developed into a commodity of economic value that is traded through marketplaces, social media, and reseller networks, with an average price of IDR 65,000 to IDR 80,000 for a 100B chip package (Kominfo, 2023). The economic value of these chips shows that chips are not just "entertainment items," but have entered the category of assets of economic value that are relevant to the betting element in the Criminal Code, as also stated by Lubis (2021) that digital items can be considered "economic objects" if they can be exchanged for monetary value outside the game system.

Certain game modes, such as slots, duo fu duo cai, fafafa, and 5 dragons, operate using chance-based mechanics, a game mechanism based on luck through a random number generator (RNG) algorithm. From a criminal law perspective, this mechanism fulfills the element of a game "determined by luck," as explained by Marpaung (2020), who stated that a game can be classified as gambling if the outcome is uncertain and depends on the player's luck. This research finding aligns with a study by Sa'adah (2022), which states that random reward-based games exhibit behavior patterns very similar to conventional gambling.

From the perspective of the ITE Law, Article 27 paragraph (2) prohibits the distribution of content containing gambling content. Normatively, the slot-based game mode in Higgs Domino can be categorized as digital gambling content. However, research results indicate that the ITE Law functions more as an administrative instrument, for example, blocking access to applications or content (Kominfo, 2024), rather than as a direct criminal sanction. This is because game developers formally prohibit chip transactions in their Terms of Service, making it difficult to prove the organizer's *mens rea* as a perpetrator of a crime. This finding supports the opinion of Ramadhan & Yuliani (2021), who stated that the ITE Law is often unable to prosecute the perpetrators behind the platforms due to the lack of evidence of active gambling facilitation.

Regarding criminal liability, case data from 2021–2024 shows that law enforcement officials more frequently prosecute chip sellers or top-up agents under Article 303 of the Criminal Code, rather than prosecute application developers or game platforms. A study by Haryanto (2023) demonstrates an imbalance in accountability, as small-scale actors (resellers) are prosecuted, while large-scale actors (foreign platform developers) are difficult for Indonesian jurisdiction to reach. This issue of extraterritorial jurisdiction is also mentioned in Mahendra's (2022) research, which assesses that the ITE Law does not yet have adequate coverage for foreign-based digital applications. From a social perspective, the increasing circulation of digital gambling has had a serious impact on society. The Ministry of Communication and Information Technology (Kominfo) recorded the blocking of more than 800,000 online gambling content pieces in 2023–2024, and the turnover of digital gambling funds is estimated to reach IDR 27 trillion per year (Kominfo, 2024). These findings align with research by Ratri & Fadilah (2023), which showed that university students are the most vulnerable group to online gambling, particularly because game features offer instant rewards that trigger addiction. These social and psychological impacts demonstrate that digital gambling is not only a legal issue but also a health and social security issue.

Overall, this study found that Indonesia's legal framework has not fully adapted to the development of digital gambling. Article 303 of the Criminal Code still refers to conventional gambling practices, while the Electronic Information and Transactions (ITE) Law does not provide clear boundaries for digital economic activities that utilize virtual items as gambling objects. This situation creates a legal vacuum that results in inconsistent enforcement. These research findings reinforce recommendations from academics, such as Putra (2023), who advocate the need for more specific regulatory updates related to the chance-based digital economy through revisions to the Criminal Code, government regulations, or adjustments to the ITE Law to address the challenges of online gambling, such as the Higgs Domino Islands case.

Conclusion

The study results indicate that the gaming practices on Higgs Domino Islands have characteristics that meet the elements of gambling as stipulated in Article 303 of the Criminal Code and the provisions of Article 27 paragraph (2) in conjunction with Article 45 of the ITE Law, primarily due to the existence of a betting mechanism using chips that can be converted into real money through chip buying and selling practices outside the application. Although game developers do not explicitly provide a facility to cash out chips, user behavior and the third-party transactional ecosystem have created a space for online gambling to occur. Furthermore, law enforcement data from the Indonesian National Police (Polri) shows that from 2021 to 2024, there has been an increase in prosecutions against digital gambling cases, including chip-based games, thus strengthening the argument that this phenomenon is a real and growing legal issue in society. Normatively, the provisions of the Criminal Code and the ITE Law are sufficient to ensnare perpetrators, but they do not specifically regulate the mechanism of gambling through digital game platforms, thus creating gaps in interpretation by law enforcement officials.

Based on the above findings, this study recommends strengthening specific regulations related to online games that have the potential to be used as gambling platforms through updating the implementing regulations of the ITE Law and developing derivative regulations under the new Criminal Code. The government, through the Ministry of Communication and Information Technology and the National Police, needs to increase oversight of digital transactions, particularly in the chip buying and selling ecosystem involving marketplaces and social media. Legal education for the public, especially the younger generation, is also crucial to improve digital literacy and prevent the misuse of entertainment platforms as gambling platforms. Furthermore, application developers should be required to conduct compliance audits and implement features to limit or detect illegal activity, so that the gaming environment remains healthy and does not harm users or the wider community.

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