

Legal Efforts in Tackling the Spread of Online Gambling Promotions on Social Media in Indonesia



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ABSTRACT: The spread of online gambling promotions through social media in Indonesia has become a serious challenge in law enforcement, especially due to the digital nature that allows anonymity and wide distribution in a short time. This study analyzes the legal efforts that have been implemented to tackle online gambling promotion, both from a regulatory and law enforcement perspective. Using normative research methods, this study examines the provisions in the Electronic Information and Transaction Law (ITE Law), the Criminal Code, as well as other relevant regulations, including the role of the Ministry of Communication and Information Technology in blocking illegal content. The results show that although there are regulations governing the prohibition of online gambling promotion, there are still challenges in implementation, especially in prosecuting perpetrators who operate across national borders. Therefore, synergy between the government, social media platforms, and international cooperation is needed to increase the effectiveness of eradicating online gambling promotions.

KEYWORDS: Legal Efforts, Online Gambling, Social Media, Law Enforcement, Indonesia.

I. INTRODUCTION

Online gambling has become a serious problem in Indonesia, especially with the rampant promotion through social media. Technological advances and wider internet penetration allow online gambling to grow rapidly even though the practice is legally prohibited. Social media is the main means of spreading online gambling promotions, because it can reach the wider community quickly and efficiently. These promotions often target vulnerable groups, such as youth and low-income communities, with the lure of instant profits and easy access (Fathurahman I. 2022). Although the government has taken various steps to tackle the spread of online gambling promotions, the effectiveness of regulations and law enforcement remains a challenge that needs to be further analyzed.

Based on data from the Ministry of Communication and Information Technology (Kominfo), throughout 2023, more than 800,000 contents related to online gambling have been blocked. However, the number of sites and accounts remains high, suggesting that blocking efforts alone are not enough to effectively address the problem (Kominfo, 2023). Online gambling players continue to find ways to avoid detection, such as using new domains, disguising keywords in promotions, and utilizing social media features that allow content to be temporary or limited to a specific audience. This makes it challenging for law enforcement officials to crack down on perpetrators who often hide behind digital anonymity and often operate across national borders.

Social media plays a major role in the spread of online gambling promotions as it has algorithms that allow certain content to reach users with related interests. With paid advertising features and support from influencers, online gambling promotions can easily reach the target audience without having to wait for them to search for information directly (IP, Wira Yudha Alam S. et al, 2023). Perpetrators also utilize platforms such as Facebook, Instagram, TikTok, and YouTube to spread links to gambling sites operating from overseas, making it difficult for legal action in Indonesia. In addition, many digital payment methods such as e-wallets and cryptocurrencies make online gambling transactions easier without having to go through the conventional banking system that can be supervised by financial authorities.

Legally, Indonesia already has regulations that prohibit gambling in various forms. The Criminal Code (KUHP) in Article 303 expressly prohibits gambling and threatens perpetrators with a maximum imprisonment of 10 years or a fine of up to IDR 25 million for those who organize gambling illegally (Law Number 1 Year 1946). In addition, the Electronic Information and Transaction Law (ITE Law) Number 11 of 2008 which has been updated with Law No. 19 of 2016 also regulates the prohibition of

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disseminating electronic information containing gambling elements. Article 27 paragraph (2) of the ITE Law states that any person who intentionally distributes or makes accessible information related to gambling may be subject to criminal sanctions of up to 6 years in prison and a maximum fine of Rp1 billion (Law No. 19/2016). In addition to these regulations, Kominfo also has the authority to block sites and social media accounts that are indicated to promote online gambling based on the Minister of Communication and Information Technology Regulation No. 5 of 2020 concerning the Implementation of Private Scope Electronic Systems.

However, although regulations are in place, their implementation and enforcement still face many obstacles. One of the biggest challenges is the global nature of online gambling, which allows gambling sites to operate from abroad and remain accessible to Indonesians through various methods such as Virtual Private Networks (VPNs) and proxies (Marjianto, et al. 2024). In addition, many perpetrators use fake identities and utilize fictitious accounts to avoid detection by the authorities. The lack of international cooperation in the prosecution of cross-border gambling networks is also an obstacle to the effective eradication of online gambling promotion.

Apart from the technological and regulatory aspects, low public awareness of the negative impacts of online gambling is also a factor that exacerbates the situation. Many individuals are unaware of the financial, legal and psychological risks that online gambling can pose, especially for those who experience gambling addiction. A study conducted by Igomu (2024) showed that around 30% of online gambling users in Indonesia do not fully understand that the activity is illegal and has legal consequences. Therefore, there is a need to educate the public on the dangers of online gambling and how to report illegal promotions they encounter on social media.

A more comprehensive legal strategy needs to be implemented to improve the effectiveness of combating online gambling promotions on social media. One solution is to strengthen cooperation between the government and social media platforms in identifying and removing unlawful content more quickly (Nurdiansyah, et al. 2024). Some countries have implemented a policy of large fines for technology companies that fail to remove illegal content within a certain time limit. Indonesia could adopt a similar policy to make platforms such as Facebook, TikTok, and Instagram more responsible in preventing the spread of online gambling promotions. In addition, the development of artificial intelligence (AI)-based technology can also be applied to detect certain patterns and keywords in online gambling promotions so that they can be removed immediately before reaching a wider audience.

In addition to strengthening regulations and cooperation with digital platforms, a stricter legal approach to the perpetrators of online gambling promotions also needs to be implemented. Currently, the penalties for online gambling promotion service providers are still relatively light and do not provide a deterrent effect. Increasing sanctions for individuals and legal entities involved in online gambling promotion can be an effective preventive measure. In addition, law enforcers also need to be provided with adequate training and resources to handle this increasingly complex cybercrime (Siombo, 2021).

In conclusion, the spread of online gambling promotions on social media in Indonesia is an increasingly complex legal challenge due to its digital nature that allows for anonymity and wide reach in a short period of time. While there are already regulations in place prohibiting online gambling, implementation and enforcement challenges remain. Cooperation between the government, social media platforms, and the public needs to be enhanced to ensure the effectiveness of efforts to eradicate online gambling promotion. In addition, more advanced technological approaches are needed to detect and prevent the spread of illegal content, as well as stricter law enforcement to crack down on the perpetrators involved. With a more comprehensive and collaborative strategy, it is hoped that the spread of online gambling promotion can be minimized and its negative impact on society can be reduced.

II. METHOD

Approach and Type of Research

This research uses a qualitative approach with the Systematic Literature Review (SLR) method to analyze case studies and literature related to the research topic. SLR was chosen because it allows researchers to collect, evaluate, and synthesize findings from various literature sources in a systematic and structured manner (Hardi, 2021). The type of research applied is a collective case study, where researchers examine several interrelated cases to find common patterns or themes.

Data Collection Technique

1. Source Identification, Literature searches were conducted using academic databases such as Google Scholar, PubMed, Scopus, and ScienceDirect with keywords relevant to the research topic.
2. Literature Selection, Sources were selected based on inclusion and exclusion criteria, such as publications from 2015-2025, Sinta/Scopus indexed journals, and relevant case studies.
3. Secondary Data Collection, Data was taken from journal articles, government reports, policy documents, and institutional publications related to Legal Efforts in Tackling the Spread of Online Gambling Promotion on Social Media in Indonesia.

III. DISCUSSION

A. Pengaturan Hukum di Indonesia Terkait Larangan Promosi Judi Online di Media Sosial

1. Larangan Perjudian dalam Sistem Hukum Indonesia

Gambling, both in conventional and online forms, has long been prohibited in the Indonesian legal system. This prohibition is explicitly regulated in the Criminal Code (KUHP), specifically in Article 303 and Article 303 bis. Article 303 of the Criminal Code threatens anyone who organizes gambling with a maximum prison sentence of 10 years or a maximum fine of IDR 25 million. Meanwhile, Article 303 bis of the Criminal Code regulates the prohibition of individuals participating in gambling and threatens them with a maximum imprisonment of 4 years or a maximum fine of IDR 10 million. This provision emphasizes that all forms of gambling, whether directly or indirectly, are illegal actions that can be subject to legal sanctions. In the context of online gambling, further legal arrangements can be found in the Electronic Information and Transactions Law (ITE Law) Number 11 of 2008 which has been updated with Law Number 19 of 2016. Article 27 paragraph (2) of the ITE Law specifically prohibits the dissemination or access of electronic information containing gambling elements. Violations of this provision are subject to a maximum imprisonment of 6 years and/or a maximum fine of Rp1 billion. With this provision, the government has a clear legal basis to take action against various forms of online gambling promotions spread through social media and other digital platforms. In addition to the Criminal Code and ITE Law, the prohibition of gambling is also emphasized in Law Number 7 of 1974 concerning Gambling Control. This law emphasizes that all forms of gambling are against the morals and social norms of Indonesian society. The government has the authority to take repressive action against all gambling activities, including in the form of promotion or dissemination through social media (Silalahi., Et al. 2024).

2. The Ministry of Communication and Information Technology's Role in Blocking Online Gambling Content

In an effort to overcome the spread of online gambling promotions on social media, the Ministry of Communication and Information Technology (Kominfo) has a very important role. Based on the Regulation of the Minister of Communication and Information Technology Number 5 of 2020 concerning the Implementation of Electronic Systems in the Private Sphere, the government has the authority to block sites and social media accounts that spread illegal content, including online gambling. Kominfo regularly works with social media platforms such as Facebook, Instagram, TikTok, and YouTube to remove accounts and content that promote online gambling. By 2023, Kominfo reported that it had blocked more than 800,000 contents related to online gambling. However, despite intensive blocking efforts, online gambling promoters continue to find ways to avoid detection, such as using new domains, renaming social media accounts, and disguising keywords in their promotions. In addition, many online gambling sites operate from abroad, making it difficult for the Indonesian government to take direct action against the owners and managers of these sites (A'dam., et al. 2024).

3. Responsibility of Social Media Platforms in Preventing Online Gambling Promotion

In addition to the role of the government, social media platforms also have a responsibility in preventing the spread of online gambling promotions. Some platforms such as Facebook and Instagram have policies that prohibit advertising or content that promotes illegal gambling. However, in practice, there are still many accounts that successfully spread online gambling promotions with various strategies, such as using covert language, certain codes, or directing users to closed groups. Currently, there are no specific regulations in Indonesia governing the obligation of social media platforms to actively prevent the spread of online gambling content. In some countries, such as Germany and the UK, digital platforms that fail to remove illegal content within a certain time limit may be subject to large fines. Indonesia could consider implementing a similar policy to improve the effectiveness of handling online gambling promotion (Desriwaty., et al. 2023).

4. Legal Sanctions for Online Gambling Promoters on Social Media

In addition to content blocking, Indonesian law also allows for criminal sanctions for individuals or groups involved in the promotion of online gambling on social media. Based on Article 45 paragraph (2) of the ITE Law, anyone who intentionally disseminates information containing gambling elements can be subject to a maximum imprisonment of 6 years and a maximum fine of Rp1 billion. This sanction can also be aggravated if the perpetrator is proven to cooperate with international gambling networks or use methods specifically designed to avoid detection by the authorities. In addition, under Articles 55 and 56 of the Criminal Code, parties who assist or facilitate the spread of online gambling promotions, such as digital marketing agencies that accept payments for gambling advertisements, can also be subject to legal sanctions. This aims to suppress the various parties involved in the online gambling ecosystem, both directly and indirectly. However, in practice, there are still obstacles in the application of these sanctions, especially related to the identification of perpetrators who often use fake identities or anonymous accounts. Many perpetrators

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utilize Virtual Private Network (VPN) networks and digital payment methods such as cryptocurrencies to avoid their legal trail. Therefore, a stronger law enforcement strategy is needed, including cooperation with social media platforms and international institutions to crack down on perpetrators operating across borders.

5. Evaluation of the Effectiveness of Legal Regulations against Online Gambling Promotion

Although Indonesia has various regulations prohibiting gambling and its spread on social media, the effectiveness of law enforcement remains a major challenge. Data shows that despite the continued blocking and prosecution of online gambling promotions, the number of sites and accounts popping up remains high. This indicates that the current approach is still insufficient to effectively combat online gambling promotion. One of the main factors hindering the effectiveness of regulations is the lack of coordination between various law enforcement agencies and digital platforms. In addition, the absence of regulations that specifically require social media platforms to be responsible for removing gambling content is also a legal loophole utilized by perpetrators. Therefore, it is necessary to update regulations that are more assertive, including the imposition of sanctions for platforms that are negligent in preventing the spread of online gambling promotions. In addition, education to the public also needs to be improved so that they are more aware of online gambling promotions spread on social media. The government can work with community organizations and academics to increase public awareness of the dangers of online gambling as well as reporting mechanisms for illegal content (Angellina., Et al. 2025).

Legal arrangements in Indonesia related to the prohibition of online gambling promotion on social media have been regulated in various regulations, including the Criminal Code, ITE Law, and regulations from Kominfo. The government has the authority to block illegal content, while law enforcement officials can impose criminal sanctions on perpetrators involved in the promotion of online gambling. However, the effectiveness of these regulations still faces various challenges, such as technological limitations in detecting illegal content, lack of cooperation with digital platforms, and the difficulty of identifying perpetrators who use anonymous identities. Therefore, a stronger legal strategy is needed, including regulatory updates, increased cooperation with social media platforms, and public education to strengthen efforts to eradicate online gambling promotion in Indonesia.

B. Constraints in Legal Implementation of Online Gambling Promotion on Social Media

Although Indonesia has various regulations prohibiting gambling and the promotion of online gambling on social media, legal implementation of this phenomenon still faces various challenges. The obstacles arise not only from the regulatory and law enforcement aspects, but also from technological developments, the operational patterns of the perpetrators, and the limited cooperation between the government and social media platforms. The following are some of the main obstacles in the implementation of the law against the promotion of online gambling on social media (Laksana., et al. 2024).

1. Regulatory Weakness in the Face of New Modus Operandi

One of the main obstacles in the implementation of the law against the promotion of online gambling on social media is the weakness of regulations in anticipating the new modus operandi used by the perpetrators. Currently, laws governing gambling and electronic transactions, such as the Criminal Code (KUHP), the Electronic Information and Transactions Law (ITE Law), and regulations from the Ministry of Communication and Information Technology (Kominfo), have not been able to fully accommodate the various strategies used by perpetrators to spread online gambling promotions. Online gambling promoters often use more sophisticated methods, such as periodically changing account names, using certain codes in promotions, and utilizing encryption features in short message applications so that they are not easily detected. In addition, many social media platforms do not have an automated filter system that is effective enough to filter out gambling content hidden in the form of images, videos or external links. Although Kominfo actively blocks sites and social media accounts involved in the promotion of online gambling, perpetrators can easily create new accounts or use Virtual Private Network (VPN) networks to avoid detection. In some cases, perpetrators even use bot services to massively spread promotions, increasing the difficulty of eradication efforts.

2. Lack of Coordination between Law Enforcement Agencies and Digital Platforms

Coordination between Indonesian law enforcement agencies and global social media platforms such as Facebook, Instagram, TikTok and YouTube remains an obstacle in tackling online gambling promotion. While some platforms have internal policies prohibiting illegal gambling ads and content, the implementation of these policies is often suboptimal. Many accounts remain active for long periods of time before being removed, and it is not uncommon for

platforms to only remove certain content without imposing stricter sanctions on the perpetrators. In some other countries, such as Germany and the UK, the government has regulations that require social media platforms to immediately remove illegal content within a certain time limit, with the threat of large fines if not complied with (Wibowo., Et al. 2023) Indonesia to date does not have similar regulations that can force digital platforms to be more proactive in dealing with online gambling promotions. As a result, the content removal process is often slow and ineffective in stopping the spread of online gambling promotions altogether. In addition, the lack of international cooperation in law enforcement is also an obstacle. Many online gambling site operators are located overseas, making it difficult for the Indonesian government to take direct action against the owners or organizers of these gambling services. Without extradition treaties or stronger international cooperation, law enforcement efforts against online gambling promotion are further limited (Rahmatullah, 2018).

3. Offender Anonymity and Use of Fake Identities

One of the biggest challenges in cracking down on online gambling promotions on social media is the anonymity of the perpetrators. Many online gambling promoters use fake accounts or anonymous identities to avoid being tracked by law enforcement officials. By using unverified social media accounts, they can easily change identities and create new accounts after their old accounts are blocked or deleted. In addition, some perpetrators use circumvention techniques such as utilizing proxy systems, VPNs, and other anonymizing services to disguise their real location. This way, they can operate from overseas while still targeting users in Indonesia. In some cases, the promotion of online gambling is done through closed groups or communities that can only be accessed by certain members, making it even more difficult for authorities to detect and take legal action. The lack of strict identity verification mechanisms on social media platforms is also a factor that makes it easier for perpetrators to carry out their actions. Unlike the financial sector, which has implemented a strict Know Your Customer (KYC) system, social media platforms still provide great flexibility for users to register accounts with unverified information (Kesuma, 2023).

4. Limited Resources and Technology in Law Enforcement

Law enforcement against online gambling promotions on social media is also constrained by the limited resources and technology owned by law enforcement officials in Indonesia. Currently, many online gambling promotion cases are handled manually through surveillance by the police and Kominfo cyber teams. However, with the huge amount of content and increasingly sophisticated disguise methods, this approach has become inefficient. In developed countries, such as the United States and the European Union, law enforcement against cybercrime already uses a lot of artificial intelligence (AI)-based technology to automatically detect and analyze online gambling promotion patterns. Indonesia is still lagging behind in the application of this kind of technology, so a lot of content escapes surveillance. In addition, the number of personnel assigned to deal with cybercrime is still limited compared to the scale of the problem. With the increasing volume of illegal content circulating on social media, more investment is needed in personnel capacity building as well as the use of more sophisticated technology to improve the effectiveness of combating online gambling promotions.

5. Lack of Public Awareness and Participation in Reporting

Another factor that becomes an obstacle in the implementation of the law against online gambling promotion is the low level of public awareness and participation in reporting illegal content. Many social media users do not realize that online gambling promotion is prohibited by law and can have a negative impact on individuals and society as a whole. Some people even consider online gambling promotion as a normal thing and do not feel the need to report it to the authorities. In addition, the lack of information on effective reporting mechanisms is also a barrier for the public to participate in efforts to eradicate online gambling promotion. To overcome this problem, the government needs to increase educational campaigns to the public regarding the dangers of online gambling and how to report accounts or content involved in gambling promotion. Social media platforms can also play a more active role by providing more accessible reporting features and providing transparent feedback to users who have reported illegal content.

C. Legal Strategies to Improve the Effectiveness of Combating Online Gambling Promotion on Social Media

Given the complexity of the problems in eradicating online gambling promotions on social media, a legal strategy that is more effective and adaptive to technological developments and the modus operandi of the perpetrators is needed. This legal strategy must include aspects of stricter regulation, increased cooperation between the government and digital platforms, the use of more sophisticated technology in law enforcement, and increased public awareness and participation in combating online gambling promotions (Nurdiansyah, 2024).

1. Regulatory Strengthening and Legal Harmonization

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The first step in improving the effectiveness of eradicating online gambling promotion is to revise and harmonize existing regulations. Currently, regulations regarding gambling and online gambling promotion are scattered in various laws, such as the Criminal Code (KUHP), the Electronic Information and Transaction Law (ITE Law), and regulations from the Ministry of Communication and Information Technology (Kominfo). However, the existing regulations still have weaknesses in dealing with the development of online gambling promotion modus operandi, such as the use of social media, short message applications, and other digital platforms. Therefore, a more comprehensive revision of the law is needed by including special provisions regarding the promotion of online gambling, including the provision of more severe sanctions for perpetrators and strengthening the obligation of social media platforms to act more proactively in removing related content. In addition, legal harmonization between national regulations and international policies is also needed. Indonesia can adopt the approach of countries that have advanced in the eradication of online gambling, such as Germany, which applies strict rules to digital platforms with the threat of large fines if they fail to crack down on gambling promotions within a certain time.

2. Enhanced Cooperation between Government and Digital Platforms

One of the key factors in combating online gambling promotion is closer cooperation between the government and digital service providers, such as Facebook, Instagram, TikTok, YouTube and WhatsApp. Currently, cooperation between the Indonesian government and digital platforms in tackling online gambling promotion is limited and ineffective. The government needs to implement regulations that require social media platforms to be more proactive in removing accounts and content related to the promotion of online gambling. This can be done by:

- a. Requiring digital platforms to have an automatic detection system - The government can regulate the obligation for social media platforms to implement artificial intelligence (AI) technology to detect and remove content containing online gambling promotions.
- b. Imposing fines on non-compliant platforms - Regulations can provide for financial penalties for platforms that fail to remove online gambling promotional content within a certain time limit.
- c. Faster and more transparent reporting mechanisms - Digital platforms should provide reporting mechanisms that are more accessible to the public and ensure that incoming reports are followed up effectively.

With stricter regulations and closer cooperation, social media platforms are expected to play a more active role in combating online gambling promotion.

3. Increased Legal Sanctions for Perpetrators

More severe sanctions against the perpetrators of online gambling promotion are also needed to provide a deterrent effect. Currently, sanctions against online gambling promotion in Indonesia are still relatively light and not enough to deter perpetrators. Some steps that can be taken in increasing legal sanctions are:

- a. Aggravation of penalties for repeat offenders of online gambling promotion - Perpetrators who are proven to repeatedly carry out online gambling promotion should receive more severe sanctions, including prison sentences and larger fines.
- b. Implementation of sanctions against payment service providers - The government can regulate that digital payment service providers do not provide access to transactions related to online gambling.
- c. Sanctions for parties indirectly involved - Not only the main perpetrators, but also individuals or companies that help facilitate the promotion of online gambling, such as digital advertising service providers, must be subject to strict sanctions.
- d. The increase in legal sanctions is expected to reduce the number of perpetrators who dare to promote online gambling on social media.

4. Public Education and Participation in Online Gambling Eradication

In addition to the legal approach, the role of the community is also very important in combating the promotion of online gambling. Public awareness of the dangers of online gambling is still low, and many do not realize that they can report illegal content to the authorities. Some steps that can be taken to increase public education and participation include:

- a. Public campaigns on the dangers of online gambling - The government and community organizations can organize more massive campaigns on the negative impacts of online gambling and the importance of reporting promotions they encounter on social media.
- b. Improved public reporting mechanisms - The government needs to provide more accessible reporting channels and provide quick responses to incoming reports.

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- c. Engagement of digital communities - Influencers, content creators and digital communities can be invited to work together to spread anti-online gambling messages and help identify accounts involved in gambling promotions.
- d. With increased public awareness and involvement, it is hoped that efforts to eradicate online gambling promotions can run more effectively and sustainably.

IV. CONCLUSIONS

The spread of online gambling promotions on social media in Indonesia has become a serious challenge in law enforcement. Although regulations governing the prohibition of gambling are quite clear, their implementation and effectiveness still face various obstacles. This study found that regulations such as the Criminal Code (KUHP), the Electronic Information and Transaction Law (ITE Law), and regulations from the Ministry of Communication and Information Technology (Kominfo) have provided a legal basis for efforts to eradicate online gambling promotions. However, the implementation of these regulations is still hampered by weaknesses in inter-agency coordination, the anonymity of perpetrators, and technological limitations in effectively detecting and removing gambling promotion content. Some of the main challenges in law enforcement against online gambling promotion on social media include weak regulations in the face of new modus operandi, lack of coordination between the government and digital platforms, and difficulty in identifying and cracking down on perpetrators who use fake identities or operate from abroad. In addition, limited resources and technology in law enforcement, as well as low public awareness of the dangers of online gambling, further complicate efforts to eradicate this illegal practice. To increase the effectiveness of eradicating online gambling promotion, a more comprehensive legal strategy is needed. Some steps that can be taken include strengthening regulations with heavier sanctions for perpetrators, increasing cooperation between the government and digital platforms in the detection and removal of illegal content, and utilizing artificial intelligence-based technology in identifying online gambling promotion patterns. In addition, public education and increased public participation in reporting illegal content are also important steps in this effort. With the synergy between the government, law enforcement officials, social media platforms, and the community, it is hoped that legal efforts in tackling the spread of online gambling promotions on social media can run more effectively. Eradicating online gambling promotions is not only the responsibility of the government, but also requires active involvement from all elements of society to create a safer digital environment free from the influence of illegal gambling.

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