

Legal Compliance and Enforcement Against Gambling Crimes in Sorong City

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Article History

Received: 07/10/2024; Reviewed: 02/04/2025; Accepted: 11/06/2025; Published: 27/06/2025

Abstract: This study aims to analyze the role of law enforcement against perpetrators of gambling crimes and the efforts that can be made to combat gambling practices in Sorong City. The method used in this study is sociological or empirical legal research, which views law as behavior that exists within society, not merely as legal norms. The study reveals that gambling has negative impacts that harm the morality and mentality of society, particularly among the younger generation. The novelty of this research lies in its in-depth analysis of the need for cross-sectoral cooperation and the utilization of information technology in law enforcement in the digital age. The results of the study indicate that law enforcement against gambling in Indonesia requires an effective, fair, and sustainable system, as well as the need for specific regulations such as Law No. 7 of 1974 on Gambling Control and Government Regulation No. 9 of 1981. This study concludes that to combat gambling-related crimes, an approach involving inter-sectoral collaboration, increased public legal awareness, and the application of advanced information technology is needed to support more effective and efficient law enforcement.

Keywords: Gambling; Criminal Offenses; Cybercrime.

Abstrak: Penelitian ini bertujuan untuk menganalisis peran penegakan hukum terhadap pelaku tindak pidana perjudian serta upaya yang dapat dilakukan untuk menanggulangi praktik perjudian di Kota Sorong. Metode yang digunakan dalam penelitian ini adalah penelitian hukum sosiologis atau empiris, yang memandang hukum sebagai perilaku yang hidup dalam masyarakat, bukan hanya sebagai norma perundang-undangan. Penelitian ini mengungkap bahwa perjudian memiliki dampak negatif yang merugikan moralitas dan mentalitas masyarakat, khususnya generasi muda. Kebaruan dari penelitian ini terletak pada analisis mendalam tentang kebutuhan kerjasama lintas sektor dan pemanfaatan teknologi informasi dalam penegakan hukum di era digital. Hasil penelitian menunjukkan bahwa penegakan hukum terhadap perjudian di Indonesia memerlukan sistem yang efektif, adil, dan berkelanjutan, serta perlunya aturan khusus seperti Undang-Undang Nomor 7 Tahun 1974 tentang Penertiban Perjudian dan Peraturan Pemerintah Nomor 9 Tahun 1981. Penelitian ini menyimpulkan bahwa untuk menanggulangi tindak pidana perjudian, dibutuhkan pendekatan yang melibatkan kolaborasi antar sektor, peningkatan kesadaran hukum masyarakat, serta penerapan

teknologi informasi yang canggih untuk mendukung penegakan hukum yang lebih efektif dan efisien.

Kata Kunci: Perjudian; Tindak Pidana; Kejahatan Siber.

1. INTRODUCTION

Gambling in Indonesia in various forms has recently become increasingly prevalent, both in terms of quantity and the gambling system itself.¹ Gambling is a concern for Indonesian society. Gambling has poisoned society at large, from the lower to middle classes. In addition to the above, from a national interest perspective, gambling has a negative and detrimental impact on the morality and mentality of society, especially the younger generation. Therefore, it is entirely reasonable to seek rational methods and solutions to address the issue of gambling-related crimes. One of the efforts being made is through legal measures. One such initiative is the creation of specific regulations governing gambling.² These regulations are Law No. 7 of 1974 concerning the Control of Gambling and Government Regulation No. 9 of 1981 concerning the Implementation of Gambling Control.

In fact, lottery gambling is a sophisticated crime because, according to Bambang Waluyo, there are at least eight characteristics of sophisticated crime, namely: 1) It can be carried out transnationally, meaning it crosses national borders, 2) The tools used are sophisticated, such as electronic devices, computers, telephones, and others, 3) The methods, techniques, and strategies employed are highly sophisticated, 4) The losses incurred can reach extremely large amounts, 5) Often, there are no existing positive legal norms to address it, 6) It requires specialized expertise from law enforcement officials to handle it, 7). Significant costs are required in efforts to combat and prosecute it, 8). Investigations and prosecutions also require legal expertise to track it down.

This is in line with the method of sale, and lottery buyers can use various means of communication, such as telephone, to conduct transnational transactions, which can result in huge losses. In addition to investigation and prosecution, legal intelligence is needed to track them down.³ Anticipation of such crimes includes the effective use of legal instruments (criminal law) through law enforcement. Through legal instruments, efforts are made to address unlawful behavior both preventively and repressively. Bringing individuals who have been proven to have committed criminal acts before the

¹ Fajar Nur Suhendra and Rochmani Rochmani, "Penegakan Hukum Pidana Terhadap Pelaku Judi Togel Di Kota Semarang," *UNES Journal of Swara Justisia* 7, no. 3 (2023): 1032–45, <https://doi.org/10.31933/ujsj.v7i3.388>.

² Irfan Gaurifa, "Analisis Yuridis Pertimbangan Hakim Dalam Menjatuhkan Hukuman Terhadap Tindak Pidana Perjudian Secara Online (Studi Putusan 121/Pid.B/2012/Pn Gst)," *Jurnal Panah Hukum* 2, no. 1 (2022): 111–21, <https://jurnal.uniraya.ac.id/index.php/JPHUKUM/article/view/780>.

³ Kristi Warista Simanjuntak Wahab Aznul Hidayat, A. Sakti R.S. Rakia, *Pengantar Hukum Indonesia* (Batam: CV. Rey Media Grafika, 2025).

court and subsequently imposing legal penalties on them are repressive measures. Consequences of gambling: Compromised security, damage to the economic system, social issues or poverty, and the breakdown of family relationships.

When a criminal offense occurs, the law, through the instruments of the state, immediately acts to provide justice for the victim. Criminal law is part of public law that contains provisions: a). General criminal law provisions and (those related to) prohibitions against certain acts (both positive and passive/negative) accompanied by the threat of criminal sanctions (statutory penalties) for those who violate such prohibitions, b). Certain conditions (when) that must be met/exist for the offender to be subject to the criminal sanctions threatened for the violation of the act they committed, c). Actions and efforts that may or must be taken by the state through its instruments (e.g., police, prosecutors, judges), against those suspected and charged with criminal offenses in the State's efforts to determine, impose, and enforce criminal sanctions against them, as well as the actions and efforts that may and must be taken by the suspect/defendant accused of the criminal offense in their efforts to protect and uphold their rights, and the State's actions in its efforts to enforce criminal law.⁴

Meanwhile, the state apparatus authorized to process criminal acts and conduct investigations is the Investigator. The authority of the Police Investigator is regulated in Article 7 of the Criminal Code.⁵ Government Regulation of the Republic of Indonesia No. 9 of 1981 regulates the implementation of Law No. 7 of 1974 on the Regulation of Gambling. Article 1(1) of this regulation details several forms of gambling-related criminal offenses, including various types of games and gambling activities. First, gambling in casinos includes various games such as roulette, blackjack, baccarat, craps, keno, tombola, super ping-pong, lotto fair, satan, paykyu, slot machines (jackpot), ji si kieu, big six wheel, chuc a cluck, throwing feathers/chicken feathers at a target or board, spinning (feather throwing), pachinko, poker, twenty-one, hwa-hwe, and kiu-kiu.⁶ Second, gambling in crowded places includes activities such as throwing darts or chicken feathers at a board or stationary target, throwing rings, throwing coins, fishing, guessing a stationary target, throwing balls, cockfighting, buffalo fighting, goat or sheep fighting, horse racing, bull racing, dog racing, hailai, mayong/macak, and erek-erek. Third,

⁴ Putri Zamili, "Kewenangan TNI Angkatan Laut Dalam Melakukan Penyidik Tindak Pidana Illegal Fishing," *Jurnal Panah Hukum* 1, no. September (2022): 191–203.

⁵ Muhammad Alfath Giraldo, "Kedudukan Penyidik Dalam Prapenuntutan Berdasarkan Kitab Undang-Undang Hukum Acara Pidana (KUHP)," *Lex Crimen* IX, no. 4 (2020): 109, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/30810/29590>.

⁶ Ramses Hutagaol, "Perbandingan Kedudukan Penyidik Tindak Pidana Narkotika Menurut Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika Dan Kitab Undang-Undang Hukum Pidana," *Jurnal Ilmiah Penegakan Hukum* 6, no. 2 (2019): 86, <https://doi.org/10.31289/jiph.v6i2.2727>.

gambling associated with other reasons, including customs such as cockfighting, buffalo fighting, horse racing, bull racing, sheep or goat fighting, and pigeon fighting.

In the explanation, it is emphasized that forms of gambling such as cockfighting, bull racing, and the like are not considered gambling if they are related to religious ceremonies and are not intended as gambling.⁷ Article 303 paragraph (3) states that gambling includes any game whose outcome depends on chance, even if the probability of winning increases due to skill in the game. This also includes all bets on the outcome of races or games not held by the participants, as well as all other forms of betting. In Dali Mutiara's interpretation of the Criminal Code, gambling games include betting on the outcome of horse races or other competitions, as well as betting on competitions between two individuals who do not participate directly in the competition, such as totalizators and others.

2. METHOD

The research used is sociological or empirical legal research, which constructs law not as a system of legal norms but as behavior that exists within society.⁸ This empirical research will be used in this paper to find the truth about the success of efforts to resolve criminal gambling in the jurisdiction of Sorong City. This research was conducted at the Sorong City Police Station. The reason for choosing this location as the research site was because from this location the author could search for and obtain data and information relevant to the research object being studied. The author utilized three types of data sources: primary data, secondary data, and tertiary data. To obtain data for this study, the author employed interview techniques and document analysis. The data obtained were analyzed using qualitative legal analysis, a research method that is based on existing norms, principles, and legislation as positive legal norms, which are then analyzed qualitatively, using formulations or figures, and then presented in conclusions.

3. DISCUSSION

3.1. Law Enforcement Against Perpetrators of Gambling Crimes in Sorong City

Online gambling is one of the cybercrimes that is becoming increasingly prevalent in Indonesia. According to data from the Financial Transaction Reports and Analysis Center (PPATK), there were approximately 159 million online gambling transactions in Indonesia between 2018 and 2023, with a total value of Rp197 trillion. These online

⁷ Agustin Firmansyah, Heru Widodo, and Damrah Mamang, "Tinjauan Hukum Implementasi Diskresi Kepolisian Dalam Penyidikan Tindak Pidana Narkotika," *Veritas* 8, no. 2 (2023): 127–42, <https://doi.org/10.34005/veritas.v8i2.2066>.

⁸ Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, 2010, hlm. 48

gambling activities not only cause financial losses for the public but also have a negative impact on the country's social and economic structure.⁹

Gambling crimes have actually been regulated for a long time in legislation, namely through Article 1 of Law Number 7 of 1974 concerning the Control of Gambling, which states that all forms of gambling are prohibited by law. With the passage of time, gambling has now spread to the online realm, so that legal substance needs to be updated to better reflect current conditions. Online gambling cases have garnered significant attention recently and are regulated under Articles 303 and 303 bis of the Criminal Code (KUHP). Additionally, regulations related to online gambling are also governed by Article 27(2) of Law No. 11 of 2008 on Information and Electronic Transactions (ITE), which has been amended through Law No. 19 of 2016. Such online gambling activities are classified as illegal acts that may be subject to criminal penalties, including imprisonment for up to 10 years and a maximum fine of Rp 20,000,000 (twenty million rupiah).

Online gambling can be divided into two main categories based on the transaction process. First, online gambling with a direct transaction system, which is gambling activity conducted online through gaming applications that resemble conventional gambling in the real world. Although these applications were originally designed for entertainment, authorities find it difficult to stop them because they do not explicitly display gambling elements. However, these games, which are supposed to be recreational, are often misused for gambling purposes, with applications such as online casinos being among the most popular.¹⁰ This phenomenon began to grow rapidly in 2015, when it was initially only popular among a small number of people, but over time, public interest increased dramatically. Today, online gambling has become a huge industry with the existence of online bookmakers, growing alongside the rapid development of the internet.

The second category is an online gambling model with a deposit system that began to develop in 2010, which does not involve real money, but rather virtual money. In this model, players transfer funds to the admin's account, which are then converted into virtual currency for use in the game. Online gambling with this deposit system is more popular because it is specifically designed for gambling activities. A well-organized system makes players feel safer, as transactions are conducted through specially

⁹ Asman, "The Negative Impact of Online Gambling on Household Harmony from the Perspective of Islamic Family Law Dampak Negatif Judi Online Terhadap Keharmonisan Rumah Tangga Perspektif Hukum Keluarga Islam Asman," *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (2024): 11–35, <https://doi.org/https://doi.org/10.70742/ahlika.v1i1.13>.

¹⁰ Noval Sulaiman and Hudi Yusuf, "TINDAK PIDANA EKONOMI DALAM KONTEKS JUDI ONLINE : ANALISIS HUKUM DAN DAMPAKNYA TERHADAP STABILITAS EKONOMI MASYARAKAT ECONOMIC CRIMES IN THE CONTEXT OF ONLINE GAMBLING : LEGAL ANALYSIS AND ITS IMPACT ON THE ECONOMIC STABILITY OF," *Jurnal Intelek Dan Cendekiawan Nusantara* 1, no. 6 (2025): 10885–95.

designed methods, even allowing players to use banking services that collaborate with online gambling administrators.¹¹ With the advancement of technology, various forms of modern crime have a wider impact than conventional crimes. Therefore, in addressing this phenomenon, it is necessary to involve multiple parties with differing jurisdictions, whether territorial, temporal, national, governmental, or legal system-based. This raises the question of whether online gambling cases can still be resolved at the national level, as well as whether changes to international conventions are needed to address such legal violations.

Law enforcement in online gambling cases must continue to prioritize the principle of proportionality of punishment, meaning that the sanctions imposed must be commensurate with the level of violation committed. The punishment given should not be too lenient, but also not too harsh for the perpetrators. According to data from Databoks (2023), there were approximately 159 million online gambling transactions in Indonesia, with a total turnover of Rp197 trillion. An analysis of 887 parties involved revealed that the extensive network of gambling operators, coupled with the misuse of technology, makes the eradication of online gambling cases extremely challenging.

In enforcing the law against online gambling offenders, from the perspective of dignified legal theory, the prosecution of these crimes must take into account the interests of the offenders as human beings with fundamental rights. If there is sufficient evidence, individuals involved in online gambling crimes may be charged under relevant provisions, such as Article 27(1) and Article 45(1) of the Electronic Information and Transactions Law (EIT Law), which regulate the dissemination of electronic information that violates the law or harms others.¹²

In addition, perpetrators may also be charged under Article 303 of the Criminal Code (KUHP), which regulates gambling. In this effort, the police can collaborate with other agencies, such as the Ministry of Communication and Information Technology, to increase surveillance and enforcement against online gambling. Law enforcement is carried out by the police because it is closely related to aspects of public order and national security.

In determining penalties for online gambling offenders, law enforcement officials need to collect evidence, such as gambling accounts and equipment used. When compared to the elements of conventional gambling crimes under Article 303 of the Criminal Code, there are significant differences, in that conventional gambling places greater emphasis on the habits and abilities of the players, rather than just luck alone.

¹¹ Panca Sarjana Putra, Fahrizal S Siagian, and Brimob Ritonga, "Legal Politics of Investigation Authority in Criminal Offences Under the Draft Criminal Procedure Code (RKUHAP)," *JUSTISI* 11, no. September (2025): 686–701, <https://doi.org/https://doi.org/10.33506/js.v11i3.4273>.

¹² Terra Whisnu Murti and Abdul Kholiq, "Reformulation of Electronic Evidence in Forex Trading Manipulation Crimes," *JUSTISI* 11, no. May (2025): 587–606, <https://doi.org/https://doi.org/10.33506/js.v11i2.4264>.

Nevertheless, both conventional and online gambling share the element of betting, which results in parties who are benefited and parties who are disadvantaged.

The elements of online gambling are outlined in Article 27(2) of Law No. 19 of 2016, which includes: a). Any person, b). Intentionally and without authorization, c). Distributes, transmits, or makes electronic information containing gambling accessible. Meanwhile, Article 303 Paragraph (1) point 3 of the Criminal Code (KUHP) regarding gambling states: a). Any person, b). Without authorization, c). Participates in gambling as a business.¹³

From the two articles mentioned above, it is clear that gambling, as a form of cybercrime, is subject to criminal sanctions in accordance with applicable laws and regulations. First, intent based on purpose (*opzet als oogmerk*) occurs when the perpetrator has the intention to produce a certain result from his actions. In this case, the perpetrator would not have committed the act if they had realized that the desired consequence would not be achieved. Second, intent based on awareness of certainty (*opzet bij zekerheidsbewustzijn*) refers to a situation where the perpetrator is certain or fully aware that their actions will result in an unintended consequence. In this context, the perpetrator is aware that their actions will inevitably lead to additional consequences. Third, intent based on awareness of possibility (*opzet bij mogelijkheidsbewustzijn*) is a condition in which the perpetrator commits an act with the intention of creating a certain consequence, but also realizes the possibility of other undesirable consequences that are prohibited by law.

By understanding these three types of intent, law enforcement officials can more accurately apply appropriate sanctions to online gambling perpetrators. The facts found indicate that the defendant's actions in participating in online lottery gambling were intentional. The process began with accessing the internet via a computer and using Google to visit the *ttwiner* website. On that site, the defendant registered and entered bank account information to participate in the game. With the hope of making a profit, the defendant placed bets on certain numbers, the payments for which were directly deducted from the registered account.¹⁴

Both parties, whether participating in online gambling or acting as bookmakers, may face criminal penalties under Article 27(2) in conjunction with Article 45(2) of the Electronic Information and Transactions Law, which stipulates a maximum prison sentence of 6 years and a maximum fine of Rp 1,000, 000,000 (one billion rupiah). This

¹³ Muhibbul Ikhsan, Wahab Aznul Hidayat, and Muharudin Muharudin, "Enforcement of Criminal Sanctions Against Trafficking of Protected Wildlife in Sorong City," *Journal of Law Justice* 3, no. 1 (2025): 63–72, <https://doi.org/https://doi.org/10.33506/jlj.v3i1.3836>.

¹⁴ Nafis Azka Syakira, Naila Fathma Ramadhahana, and Nayla Devi Anggita, "Dampak Konsumerisme Berupa Judi Online Di Indonesia : Perspektif Ekonomi , Sosial , Dan Mental," *INTERAKTIF: Jurnal Ilmu-Ilmu Sosial* 16, no. 2 (2024), <https://doi.org/http://doi.org/10.21776/ub.interaktif.2024.016.02.3>.

punishment differs from conventional gambling, which is easier to prove and eradicate. Therefore, regulations regarding online gambling are based on the provisions of the applicable Electronic Information and Transactions Law (EIT Law).

3.2. Efforts Made to Prevent and Combat Gambling Crimes in Sorong City

To run an effective legal system, there needs to be integration between legal substance, legal structure, and legal culture. This integration is important so that law enforcement can run smoothly and provide justice and security for the community. The efforts and role of law enforcement agencies are crucial in combating all forms of criminal activity. The police, as one of the law enforcement agencies, are expected to prevent, address, and eradicate online gambling-related crimes. This task is the primary responsibility of the Indonesian National Police (Polri), as stipulated in Law No. 2 of 2002 on the Indonesian National Police. Article 13 of the law states the main duties of the Polri, which are to maintain public safety and order, enforce the law, and provide protection, assistance, and services to the community.¹⁵

Gambling is generally driven by economic factors, with perpetrators seeking shortcuts to make profits through online gambling. In addition, high unemployment rates encourage individuals to seek sources of income from online gambling activities, which are often influenced by a consumerist lifestyle. Other factors contributing to the emergence of online gambling include easy access to technology, weak social values and moral principles, and a lack of education, which can lead individuals to engage in illegal behavior. In addressing the challenges of enforcing laws against online gambling, law enforcement agencies in Indonesia must overcome various internal and external obstacles. The following are some measures that can be taken:¹⁶

1. Efforts to Overcome Internal Obstacles:

a. Human Resources:

- Recruitment and Training: Law enforcement agencies should conduct regular recruitment and training to increase the number of personnel with specialized skills in handling cybercrime. Cooperation with educational institutions can help develop training programs that are relevant to the latest technological developments.
- Incentives and Rewards: The government can provide incentives or rewards for personnel with special skills to attract and retain talent in the field of technology.

¹⁵ Nur Lina Anisa, "Judi Online Dalam Perspektif Maqasid Syariah," *Journal of Islamic Business Management Studies* 5, no. 1 (2024): 1–21.

¹⁶ Viny Elvia et al., "Perjudian Online Di Era Digital: Analisis Kebijakan Publik Untuk Mengatasi Tantangan Dan Ancaman," *Jurnal Ilmu Sosial Dan Humaniora (Isora)* 1, no. 3 (2023): 111–19, <https://isora.tpublising.org/index.php/isora>.

b. Information Technology Equipment:

- Technology Procurement: Increase the budget for the procurement of advanced and up-to-date information technology equipment. Cooperation with the private sector can provide access to the latest technology needed to combat cybercrime.
- Internal System Development: Develop integrated internal systems and applications to support investigation and prosecution processes.

c. Internal Monitoring System:

- Effective Surveillance System: Develop and implement an internal surveillance system to monitor online activities in real time.
- Inter-agency Coordination: Improve coordination among law enforcement agencies to strengthen surveillance and early detection systems.

2. Efforts to Overcome External Obstacles:

a. The Dynamics of Increasingly Sophisticated Online Gambling Crime:

- International Cooperation: Enhance international cooperation with legal authorities in other countries to share information and strategies in combating online gambling.
- Regulatory Updates: Strengthening national regulations and laws related to cybercrime, including online gambling, to keep pace with technological developments.
- Digital Forensic Technology: Utilizing digital forensic technology to track and decrypt the encryption used by online gambling operators.

b. Cooperation between Countries:

- Participation in International Forums: Encourage participation in international forums and cooperation on cybercrime eradication, which can promote the formulation of extradition and mutual legal assistance (MLA) agreements between countries.
- Enhanced Diplomacy: Enhance diplomacy and communication between countries to build trust and more effective cooperation.

c. Arrest and Punishment for Online Gambling Offenders:

- Public Education: Increase public education and awareness about the dangers and legal consequences of online gambling.
- Opportunities for Rehabilitation: Provide opportunities for online gamblers to turn themselves in and participate in rehabilitation programs.
- Consistent Law Enforcement: Implement strict and consistent law enforcement policies to deter offenders

The police play an active role in preventing online gambling through regular "Cyber Patrols." These patrols not only serve as surveillance, but also involve preventive measures and early detection of potential illegal gambling activities. By utilizing technology and specialized expertise, these patrols are at the forefront of ensuring security and order in the cyber realm. Additionally, the patrols provide information about the negative impacts of online gambling, which is disseminated to the public to help them understand the consequences of such practices. By involving all stakeholders, synergy can be created to develop coordinated and effective measures to address the phenomenon of online gambling.

4. CONCLUSION

Online gambling is a complex challenge for law enforcement in Indonesia, given its harmful economic and social impacts, particularly among students. Therefore, law enforcement must adhere to the principles of dignified justice, based on the ITE Law and the Criminal Code, which must be applied firmly and fairly. This enforcement also needs to respect the human rights of perpetrators by providing opportunities for rehabilitation and proportional case handling. Cross-sectoral and international cooperation is needed, as well as improvements in information technology in this digital age. Thus, law enforcement can be based on dignified justice, resulting in an effective, fair, and sustainable system. In the effort to enforce the law against online gambling crimes, the process faces a number of internal and external obstacles. Internal obstacles include limited human resources with expertise in cybercrime, a lack of advanced technological equipment, and weaknesses in the internal cyber surveillance system. Meanwhile, external obstacles include the increasingly sophisticated nature of online gambling crimes, limited cooperation between countries with different legal and political systems, and risks for perpetrators related to arrest and punishment. To overcome these obstacles, an integrated and collaborative law enforcement strategy across sectors and internationally is needed.

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