



Examining the Application of Dignified Justice Theory in Indonesia's Online Gambling Law Enforcement

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Abstract:

This study aims to analyze the application of the theory of dignified justice in the regulation and enforcement of laws against online gambling perpetrators in Indonesia. The research also examines the effectiveness of existing regulations and the challenges in their implementation. Using a normative legal approach, this study reviews the applicable legal frameworks, such as Law No. 7 of 1974 on the Regulation of Gambling and Law No. 11 of 2008 on Information and Electronic Transactions (ITE), which provide a legal basis for addressing online gambling. The findings show that although regulations are in place, their implementation is hindered by technological limitations, a lack of legal awareness, and suboptimal coordination between agencies. The application of the theory of dignified justice, which emphasizes the protection of human rights, has not been fully reflected in the legal policies toward online gambling offenders, particularly in terms of proportional justice. This study recommends improvements in regulations and law enforcement to make them more responsive, transparent, and oriented toward social justice, thereby providing better protection for the public and ensuring dignified law enforcement.

Keywords: *Dignified Justice; Online Gambling; Law Enforcement; Regulation; Indonesia*

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Introduction

Gambling is one of the most prevalent criminal activities in society. In general, gambling can be defined as an activity involving betting something of value, such as money, with the aim of gaining a larger profit based on the unpredictable outcome of a game. According to the *Ensiklopedia Indonesia*, gambling is described as an act of betting to gain profit from the results of a game, competition, or event whose outcome cannot be predicted. From an Islamic perspective, gambling, known as *maysir*, refers



to an activity in which two or more parties engage in transactions to acquire goods that benefit one party while causing harm to the other in an event or action that is uncertain. Along with the advancement of technology, a new form of gambling has emerged: online gambling. This represents a subcategory of conventional gambling, referring to gambling activities conducted over the internet (Dawam 2024).

The development of online gambling has brought new challenges in law enforcement, primarily due to its anonymous nature and the ease with which it can be accessed from various locations via the internet. This makes it more difficult to monitor and regulate gambling under existing laws, especially considering the numerous online gambling sites operating outside national jurisdictions. Additionally, online gambling offers a wide range of appealing games that enable individuals to win money quickly, leading to an increasing number of people, both young and old, becoming involved in this activity (Apriyanto and Haniyah 2023).

However, behind its allure, online gambling brings significant negative impacts, such as addiction, financial loss, and social damage. These consequences make online gambling one of the forms of cybercrime that involves digital technology in the commission of legal violations. Therefore, greater attention is needed from the government, law enforcement agencies, and society to address this phenomenon (Saefullah et al. 2024).

Addressing online gambling also requires a legal approach that not only focuses on punishment but also on respecting human dignity. In this context, the theory of dignified justice plays a crucial role. This theory emphasizes that law enforcement should treat every individual with dignity and respect human rights. In terms of law enforcement against online gambling offenders, the theory of dignified justice requires that the punishment imposed should not only be punitive but also restorative. This restorative approach aims to correct the offender's behavior without degrading their dignity as an individual (Sinaga 2021).

The application of the theory of dignified justice in online gambling cases has a significant dimension, as online gambling offenders are often trapped in addictive patterns that are difficult to break. Dignified justice teaches that law enforcement should not view offenders merely as subjects of punishment, but as individuals who



still have the potential to recover and improve (Prasetyo 2019). Therefore, the law applied should not solely focus on imprisonment or harsh punishment but also provide opportunities for rehabilitation and social reintegration. This approach not only prevents criminal behavior but also offers offenders a chance to contribute positively to society again.

To realize this approach, government regulations play a crucial role. Although Law No. 7 of 1974 on Gambling Control provides a legal basis for addressing gambling, this law primarily focuses on conventional gambling and does not specifically regulate online gambling. On the other hand, Law No. 11 of 2008 on Information and Electronic Transactions (ITE), which was amended by Law No. 19 of 2016, provides the legal foundation to address online gambling activities in cyberspace (Indah Novita Sari and Nur Hidayah 2023). Additionally, the Ministry of Communication and Information (Kominfo) has the authority to block access to gambling websites. However, despite various efforts, the emergence of new sites and the use of technology that allows online gambling operators to hide their identities remain significant challenges in law enforcement. This is further complicated by new methods employed by offenders to avoid being blocked. Therefore, there is a pressing need for a more comprehensive and responsive regulatory update that can keep up with technological advancements, as well as an enhancement in the capacity of law enforcement agencies to address online gambling more effectively and efficiently (I. D. Kurniawan 2024).

The objective of this study is to examine the application of the theory of dignified justice in law enforcement against online gambling offenders in Indonesia, as well as to analyze the effectiveness of existing legal regulations in the country. The research aims to evaluate the extent to which government policies in regulation and oversight can address online gambling and the challenges in their enforcement. Furthermore, this study seeks to identify the obstacles faced by law enforcement agencies in combating online gambling and provide recommendations for updating legal regulations to be more responsive to technological advancements and online gambling practices. It is hoped that this research will contribute to the development of more effective policies and strengthen law enforcement that is fair and dignified (Igomu, Mulyono, and Bonggoibo 2024).



After outlining the objectives of the study, the findings indicate that although existing regulations, such as Law No. 7 of 1974 and Law No. 11 of 2008 on Information and Electronic Transactions (ITE), provide a legal foundation for addressing online gambling, there are still many challenges in enforcement. The anonymous nature of online gambling, which can be accessed via the internet from anywhere, makes it difficult to monitor. Additionally, the continued emergence of gambling websites and the use of technology to hide the identities of operators further exacerbate the situation. Therefore, there is a need for an updated regulatory framework that is more responsive to the evolving technology and online gambling practices.

Method

This research is qualitative and utilizes a normative legal approach, which focuses on written legal norms such as laws, regulations, and policies within the legal system of a country. This approach emphasizes the application of clear and definitive legal principles based on the prevailing legal texts, without considering broader social or moral aspects. In this approach, law enforcement is carried out by referring to the existing rules and evaluating compliance or violations based on written norms. The normative legal approach is often used to ensure that the law is applied consistently and fairly in accordance with established provisions. The aim of this study is to analyze existing legal regulations, the application of the theory of dignified justice, and the challenges in law enforcement against online gambling offenders. This research focuses on analyzing relevant legislation, such as Law No. 7 of 1974 and Law No. 11 of 2008 on Information and Electronic Transactions (ITE), as well as the application of the principles of dignified justice in the context of law enforcement (Dianta 2017).

In line with the view of Morris L. Cohen, who stated that "Legal research is the process of identifying the laws that regulate activities within human society," this study focuses on the effort to identify and examine the laws that govern societal activities, particularly those related to online gambling. The methods used include document analysis, reviewing literature, scholarly articles, and policies related to online gambling. Content analysis is applied to understand the legal context, while thematic analysis is used to identify key issues related to online gambling regulation



(Marzuki 2017). In addition, a comparative analysis of the policies of other countries in addressing online gambling is also conducted to provide a broader perspective and to formulate recommendations for updating regulations that are more responsive to technological advancements and the challenges of law enforcement in Indonesia.

The Application of the Theory of Dignified Justice in Law Enforcement against Online Gambling Offenders in Indonesia

Online gambling offenders are individuals involved in gambling activities conducted through electronic media and the internet. This form of gambling may involve bets in the form of money or goods, and it is generally carried out through various digital platforms such as websites, applications, or social media. The phenomenon of online gambling has rapidly expanded, particularly with advancements in technology that allow anyone to easily access gambling through electronic devices such as smartphones, computers, or tablets. This phenomenon continues to spread due to the ongoing development of technology, which provides convenience and ease for offenders to play anytime and anywhere, without being limited by time or location (Alifian Fajar Rizkita 2023).

Online gambling offenses have now become a serious issue, causing negative impacts on various aspects of life. From a social perspective, online gambling often affects a person's social interactions. Offenders who become addicted to online gambling tend to isolate themselves, neglect social relationships, and experience a decline in the quality of interactions with family, friends, and colleagues. Family relationships can deteriorate due to these bad habits, leading to conflicts related to financial issues, addiction, or lack of attention to other family members. From an economic standpoint, the consequences are highly detrimental. Many offenders, trapped in online gambling, use their pocket money, shopping funds, or even borrow money to participate in these activities. They often believe that online gambling is a quick way to earn large profits. However, in reality, very few individuals actually achieve significant winnings. The majority experience substantial financial losses instead. These losses can impact their financial lives in the long term, from hindered savings or investments to falling into debt.



From a psychological perspective, the impact of online gambling addiction is significant and often overlooked. In addition to causing stress, anxiety, and depression, online gambling offenders frequently feel anxious and pressured when they are unable to win bets or continue chasing the losses they have incurred. This anxiety can evolve into excessive fear and an obsession with recovering lost money, which often drives them to keep gambling despite having already experienced significant losses. Feelings of guilt and shame due to dependence on online gambling also frequently arise, further exacerbating their mental state and deepening their sense of worthlessness. If left unaddressed, this issue can develop into more serious mental disorders, such as anxiety disorders or severe depression, which in turn can destroy their overall quality of life. This impact not only affects their mental health but also their physical and social well-being. A study conducted by D. Columb and C. O'Gara in 2018 revealed that 67.3% of 140 respondents surveyed reported experiencing mental health issues, such as stress and anxiety, caused by online gambling (Wirareja and Sa'adah 2024). This data further emphasizes the extensive psychological impact experienced by many online gambling offenders and how this addiction can disrupt their overall well-being.

However, in the midst of this issue, an approach focused on the enforcement of just and dignified law becomes crucial. In the context of law enforcement against online gambling offenders, the theory of dignified justice, proposed by Prof. Teguh Prasetyo, seeks to unite the concepts embedded in the principles, foundations, and doctrines of law within Indonesia's legal system, which is based on Pancasila. The core principle of this theory is "nge wong ke wong" or justice that humanizes humans, emphasizing respect for the dignity of each individual in law enforcement. According to this theory, justice is not merely viewed in terms of fair distribution or proportional punishment but also in how the law treats people humanely. This is the fundamental reason for applying this theory in cases of online gambling (Sukardi et al. 2021). This approach is highly relevant in the context of law enforcement against online gambling offenders, where the goal of law enforcement is not only to impose punishment but also to create space for social recovery and the rehabilitation of the offenders.

This view aligns with John Rawls' theory of justice as presented in *A Theory of Justice*, which emphasizes three main principles of justice: liberty, equality, and



rewards. According to Rawls' principle of liberty, each individual has an equal right to freedom. The principle of equality accepts the existence of social and economic inequalities, but with two conditions: first, the inequalities must benefit the least advantaged members of society (the difference principle), and second, the inequalities must arise from open and fair competition (fair equality of opportunity) (Sukardi et al. 2021).

In this context, the theory of dignified justice and Rawls' principles support an approach that not only focuses on punishment but also on balanced social recovery, especially for online gambling offenders who may be trapped in complex social or psychological situations. It emphasizes providing opportunities for online gambling offenders to undergo rehabilitation and social reintegration (A. Kurniawan 2023). The application of the theory of dignified justice also requires transparency and procedural fairness in the legal process. Each offender must be treated fairly, without discrimination, and given the right to defend themselves and present the relevant facts. This fair legal process will ensure that the decisions made focus not only on punishment but also on recovery and rehabilitation. With this approach, the judicial system is expected to reflect principles of justice that are not only retributive but also rehabilitative, by humanizing the offenders and providing them with opportunities for self-improvement (Sinaga 2018).

Furthermore, in the application of dignified justice, law enforcement against online gambling offenders must take into account the social and psychological factors of the offenders. Many individuals involved in online gambling are not driven solely by an intent to harm others, but rather because they are trapped in a deeply ingrained addiction that is very difficult to overcome. This addiction is often triggered by emotional factors or personal issues, such as social pressure, financial problems, or an inability to manage stress. Therefore, a legal system that focuses solely on punishment, without considering these underlying factors, tends to worsen the offender's condition and fails to offer opportunities for constructive change (Firmansyah 2024). As such, a more humane approach is needed, one that integrates rehabilitation programs to assist offenders in overcoming their gambling addiction and improving their quality of life.



Furthermore, in the context of rehabilitation, the theory of dignified justice also requires collaboration among relevant parties, such as government agencies, medical professionals, psychologists, and the broader community. In this case, rehabilitation is not solely the responsibility of law enforcement but also requires active participation from various stakeholders who can provide support for the offenders. A comprehensive rehabilitation process should include psychological care, retraining, and activities that can help offenders rebuild their social lives in a positive manner (Padlah, Latifa, and Yuhanah 2024). With such an approach, law enforcement against online gambling offenders will not only result in punishment but also pave the way for them to reintegrate into society as productive members, without getting trapped in similar issues.

This approach, based on the theory of dignified justice, not only demonstrates that the judicial system in Indonesia must provide fair punishment but also allows space for offenders to improve themselves. In this regard, Indonesia's judicial system will become more humane by introducing a more holistic rehabilitation process that involves various parties in providing support to offenders. By involving multiple stakeholders, such as government agencies, medical professionals, and the community, the recovery process will be more structured and comprehensive. Active participation from family and community is also crucial in accelerating the social reintegration process for offenders, which can reduce the likelihood of them falling back into online gambling practices (Tahir and Heri 2023).

In addition, this approach will emphasize the importance of education and awareness regarding the detrimental effects of online gambling, both for individuals and the wider community. This educational program should not only be targeted at online gambling offenders, but also at the general public, with the aim of equipping them with a better understanding of the potential risks of online gambling addiction and how to avoid it. Through these educational and outreach efforts, it is hoped that a more critical, aware, and self-protective society can be created, one that is better equipped to resist the harmful influences of online gambling (Padlah, Latifa, and Yuhanah 2024).

With this approach focused on dignity-based justice, not only will offenders be given the opportunity to improve themselves, but society as a whole will also benefit.



A healthier society, more sensitive to the dangers of online gambling, and more supportive of the rehabilitation process for offenders, will play an important role in building a safer and more productive environment (Widodo 2020). All these efforts will be part of a larger process in creating a justice system that is not only fair in delivering punishment but also in offering individuals the opportunity to change and contribute to a better social life.

However, to achieve this goal, the challenges in implementing dignity-based justice must still be faced. One of the main challenges is ensuring that adequate resources are available to support the rehabilitation of online gambling offenders, and ensuring that the process can be carried out fairly and effectively across all levels of society. Therefore, strong public policies and regulations are crucial to reinforce the application of this approach. Creating a legal environment that supports rehabilitation, education, and self-control awareness will form a solid foundation for a more just, humane justice system that can have long-term positive impacts.

The Effectiveness of Existing Legal Regulations in Indonesia in Combating Online Gambling and the Challenges in Enforcement

Online gambling has become one of the serious challenges faced by Indonesia, particularly with the increasing number of users and its negative impact on society. Along with the rapid advancements in information and communication technology, access to online gambling has become increasingly easy and difficult to control. Although the government has issued various regulations to combat this practice, the implementation of existing laws still faces various obstacles. According to data from the Financial Transaction Reports and Analysis Center (PPATK), online gambling transactions in Indonesia reached IDR 327 trillion in 2023, an increase of 213% compared to 2022, and a sharp surge of 8,136.77% over the past five years. A total of 2.76 million people are involved in online gambling, with 2.19 million of them coming from low-income groups, such as students, university students, workers, farmers, housewives, and private sector employees. This data highlights the widespread impact of online gambling, which can damage social and economic aspects, especially for vulnerable groups (Aprilia 2024).

In addition, the latest 2024 data from the Financial Transaction Reports and Analysis Center (PPATK), quoted by the Minister of Communication and



Information, Budi Arie Setiadi, shows 197,054 cases of online gambling addiction among minors in 2024, with total deposits reaching IDR 293 billion and more than 2.2 million transactions recorded. This figure highlights the tremendous impact of online gambling, which not only causes financial losses but also affects social relationships, especially within families. Budi Arie also revealed the high divorce rate caused by online gambling addiction. According to data collected by the Central Statistics Agency (BPS) in 2024, the phenomenon of divorce due to online gambling has been recorded since 2019, with 1,947 cases. Although the number of divorces decreased to 648 cases in 2020, the figure significantly increased again in 2023, reaching 1,572 cases.

Budi Arie also revealed that the negative impact of online gambling is not only felt in Indonesia but also in various other countries. In the UK, for instance, online gambling has caused significant losses in the formal economy. Between 2016 and 2022, online gamblers in the UK spent an average of USD 5.6 billion each year, resulting in an economic loss of USD 1.7 billion. Furthermore, in the United States, after the legalization of online gambling in 2018, there was a 30% increase in business bankruptcies in several states due to financial declines caused by online gambling addiction (Nugraheny and Setiawan 2024).

Considering the significant impact of online gambling, both in Indonesia and abroad, the Indonesian government needs to adopt stricter regulations to address this issue. One of the significant steps taken is through the implementation of provisions in Law No. 1 of 2023, which more firmly regulates gambling offenses, both directly and through digital platforms. Article 426 of Law No. 1/2023 states that any individual who offers or provides opportunities for gambling without permission, or makes it a source of income, can be sentenced to a maximum of 9 years in prison or a fine of up to IDR 2 billion. Meanwhile, Article 427 of the same law also regulates penalties for those who participate in gambling without permission, with the threat of imprisonment for up to 3 years or a fine of up to IDR 50 million (Munawaroh 2024). This regulation aligns with previous laws, such as Law No. 7 of 1974 on Gambling Control and Law No. 11 of 2008 on Electronic Information and Transactions (ITE), which provide a legal foundation for the government to tackle online gambling (Nono, Dewi, and Seputra 2021).



If we compare the penalties with neighboring countries, such as Malaysia, which has a Muslim-majority population, we see that Malaysia imposes very strict penalties for online gambling. In the 2020 budget, Malaysia's Finance Minister announced a significant increase in penalties for illegal gamblers and gambling operators. The maximum penalty for illegal gambling offenders was raised from RM5,000 to RM100,000, along with a minimum six-month imprisonment sentence. If converted to Indonesian rupiah, the fine is approximately IDR 350,000,000, in addition to the threat of imprisonment. As part of a country that adheres to Sharia law, Malaysia also enforces Sharia courts to handle gambling cases, which strictly prohibit all forms of gambling. However, for non-Malay ethnic groups such as Chinese and Indian communities, they are subject to the secular legal system, although gambling is still prohibited. These strict measures demonstrate Malaysia's seriousness in tackling online gambling issues. On the other hand, Singapore also enforces harsh penalties for online gambling. Offenders can face a minimum fine of SGD 200,000, which can rise up to SGD 500,000, depending on the type of gambling involved. This fine is equivalent to approximately IDR 2,400,000,000, and offenders are also threatened with imprisonment. For a first offense, the prison sentence can be up to five years, and for subsequent offenses, the sentence can increase to up to ten years. These stringent policies in Singapore reflect the government's commitment to addressing the issue of online gambling (Uswa 2024).

In comparison, Indonesia takes a somewhat different approach. Despite the significant negative impact of online gambling on society, such as mounting debts and family breakdowns, the Indonesian government focuses more on providing social assistance to the "victims" of gambling rather than addressing the root cause of the issue. The Coordinating Minister for Community Empowerment, Muhaimin Iskandar (Cak Imin), revealed that the government will provide assistance to individuals affected by online gambling, considering them as part of the social victims. According to him, in addition to the BPJS, this assistance will also involve various programs from the Ministry of Social Affairs, although Cak Imin did not provide specific details on the types of aid intended (Chaterine and Ramadhan 2024). This approach has raised questions among the public about how effective the policy is in addressing the growing concern of gambling. While Malaysia and Singapore implement strict



penalties for offenders, Indonesia seems to prioritize a rehabilitative approach, with less emphasis on law enforcement against the offenders themselves.

The rehabilitative approach taken by the Indonesian government reflects an effort to provide long-term solutions for the victims of online gambling. However, this policy also presents challenges in enforcing stricter law enforcement against the offenders. In line with this, there are several key challenges that need to be addressed in the enforcement of laws against online gambling crimes, including (Firmansyah 2024):

1. The absence of specific regulations on online gambling is a major barrier. Existing regulations, such as the Criminal Code (KUHP) and the Electronic Information and Transactions Law (UU ITE), have not fully addressed the characteristics of online gambling, which are transnational, complex, and involve advanced technology. Without more focused regulations, law enforcement agencies face difficulties in controlling and regulating the rapidly growing online gambling activities.
2. The limitations in technology and law enforcement capacity further worsen the situation.

Although the Ministry of Communication and Informatics (Kominfo) has made efforts to block online gambling sites, its effectiveness remains limited because online gambling offenders can easily create new sites or move their servers to other countries. Law enforcement agencies, such as the police and the prosecutor's office, are often constrained by technological limitations in tracking and identifying offenders who use advanced security systems and anonymous networks.

3. Difficulties in evidence gathering and investigation also pose a major obstacle.

The investigative process faces challenges in collecting evidence, particularly in tracking the flow of funds and identifying offenders who often conduct cross-border electronic transactions. Online gambling activities, which frequently involve foreign operators with strong encryption systems, present significant barriers in the identification process.

4. The lack of international cooperation exacerbates the situation.



Online gambling crimes often involve foreign operators and are transnational in nature, requiring stronger international cooperation. Without effective collaboration with other countries, prosecuting and enforcing laws against online gambling offenders outside Indonesia's jurisdiction becomes extremely difficult and limited.

As we can see, based on the various challenges faced, it is clear that law enforcement against online gambling crimes requires a more structured and focused approach. The lack of specific regulations on online gambling is a major obstacle, as existing laws, such as the Criminal Code (KUHP) and the Electronic Information and Transactions Law (UU ITE), are not sufficiently equipped to address the complexity and characteristics of the rapidly evolving online gambling landscape. Online gambling activities, which often involve transnational networks, the use of advanced technology, and strong encryption systems, make law enforcement increasingly difficult. Additionally, the limited capacity of law enforcement agencies in terms of technology and investigation further worsens the situation. Many gambling sites can easily switch servers or use more difficult-to-track methods, requiring adjustments in legal approaches and improvements in investigation tools and techniques. This highlights that, to effectively address online gambling issues, Indonesia needs to enhance the technical capacity of law enforcement agencies, strengthen regulations that are more aligned with digital technology developments, and adjust the legal system to be more responsive to emerging challenges.

Furthermore, the transnational nature of online gambling issues requires more solid and systematic international cooperation. This crime often involves foreign operators, making prosecution and law enforcement outside Indonesia's jurisdiction very challenging. Therefore, Indonesia needs to strengthen international cooperation networks, both in terms of information exchange, joint investigations, and legal agreements governing matters such as extradition and actions against offenders abroad. Such cooperation will ensure that offenders operating overseas can be subjected to fair legal processes in Indonesia. With more integrated efforts, both domestically and internationally, as well as adaptive regulatory improvements, Indonesia can more effectively tackle online gambling crimes. Through a comprehensive and sustainable approach, it is hoped that Indonesia can minimize



the negative impacts of online gambling and protect the public from the growing threat of addiction.

Conclusion

The application of the theory of dignified justice in law enforcement against online gambling offenders in Indonesia emphasizes the importance of fair and humane treatment of individuals, even when they are involved in criminal acts. Law enforcement should not only focus on punishment but also provide opportunities for offenders to undergo rehabilitation and social reintegration. By considering the psychological and social factors of offenders, and prioritizing a rehabilitative approach, Indonesia's judicial system can create an environment that supports positive change and reduces the potential for similar crimes in the future. The biggest challenge lies in the effective implementation, which requires collaboration among institutions and sufficient resources to support a comprehensive rehabilitation process.

Although Indonesia has issued various regulations addressing online gambling crimes, such as Law No. 1 of 2023 and the ITE Law, law enforcement against online gambling still faces many challenges. The absence of specific regulations that address online gambling, the limitations in law enforcement technology, difficulties in evidence gathering and investigation, and the lack of international cooperation are factors that hinder the effectiveness of combating online gambling in Indonesia. Therefore, there is a need to strengthen regulations, enhance technological capacity, and foster international cooperation to ensure more effective law enforcement in addressing the social and economic impacts caused by online gambling.

Recommendation

To improve law enforcement against online gambling offenders in Indonesia, it is essential to strengthen existing regulations, including drafting specific rules that govern online gambling in more detail. Additionally, it is important to enhance technological capacity in law enforcement, such as developing more advanced and effective online monitoring systems. Collaboration between national and international law enforcement agencies should also be strengthened to address cross-border challenges. A more rehabilitative and restorative approach needs to be



prioritized, offering offenders opportunities for rehabilitation and social reintegration, which can reduce the potential for reoffending.

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