

MORALITY, TECHNOLOGY, AND LAW: AN ANALYSIS OF ONLINE GAMBLING LAW ENFORCEMENT

Farhana^{1*}, Mimin Mintarsih², Rana Fitri³, Khitta El Manzyla⁴

^{1,2,3,4} Universitas Islam Jakarta, Indonesia.

*Corresponding author: farhanarasjidi@gmail.com, miensh66@gmail.com, ranafitri.92@gmail.com

Abstract: The phenomenon of online gambling reflects a clash between morality, digital technology, and law, which has not yet fully adapted. Morally, gambling practices are rejected from the perspective of religion and Pancasila, yet the digital reality makes gambling increasingly accessible, cross-border, and difficult to control. From a global perspective, various countries have developed three legal approaches to regulating online gambling: the prohibitive model, the legal-restrictive model, and the legal-liberal model. Indonesia still adheres to the prohibitive model based on the Criminal Code (KUHP) and the Electronic Information and Transactions Law (ITE Law), but faces serious challenges in implementation due to its transnational and technological nature. The analysis shows the need for a hybrid approach that combines prohibition rooted in moral norms with adaptive regulation that leverages technology, international cooperation, and public protection. Within a responsive legal framework, law enforcement against online gambling should not only emphasize repressive measures but also educational, collaborative, and preventive aspects, making it more effective in addressing the dynamics of the digital era.

Keywords: Online Gambling, Morality, Technology, Law Enforcement.

1 Introduction

The phenomenon of online gambling reflects the transformation of traditional crimes into complex and transnational digital forms. Online gambling presents more intricate problems compared to conventional gambling, as it not only threatens users' personal data security but also fosters new criminal schemes, such as the trade of personal bank accounts, which is an illegal practice in Indonesia (Galuh MT, 2024, p. 9).

The number of online gambling players has increased significantly, accompanied by a sharp rise in transaction values each year, particularly in recent years, reflecting the rapid growth of the online gambling industry in the country. In 2023, it was estimated that there were around 2.7 million players, with transaction values reaching more than IDR 200 trillion. For 2024, the number of players is projected to reach 4 million, with transaction values increasing to approximately IDR 327 trillion (Amalina A, 2025, p. 198).

From a philosophical perspective, crimes such as online gambling illustrate moral and ethical challenges

to the values of justice and social order. The enforcement of laws against this crime serves as a concrete manifestation of the objectives of law, namely the pursuit of order, justice, and societal welfare.

From an Islamic perspective, gambling (*maisir*) is explicitly prohibited as stated in the Qur'an, Surah Al-Maidah, verses 90–91, which emphasizes that gambling is a satanic act that breeds hostility and hatred. Al-Ghazali asserted that gambling is an instrument of moral and financial destruction, and that a state which allows gambling to thrive permits the decay of its generations from within (Al-Ghazali, 2005).

Therefore, law enforcement against online gambling is not only aimed at maintaining public order but also represents a form of protection for communal morality and the implementation of religious values within society.

From a juridical standpoint, Indonesian legislation has established that gambling is a criminal offense, as stipulated in Article 303 of the Indonesian Criminal Code (KUHP) and Article 27 paragraph (2) of Law No. 11 of 2008 on Electronic Information and Trans-

actions, as amended by Law No. 19 of 2016 (UU ITE). However, these regulations have not been fully effective in anticipating the characteristics of digital crime, which are dynamic, transnational, and often difficult to trace to the identities of perpetrators.

The phenomenon of online gambling is no longer merely a violation of legal norms but has developed into a complex and transnational social problem. According to the 2023 report of the Indonesian Financial Transaction Reports and Analysis Center (PPATK), transactions associated with online gambling activities in Indonesia amounted to more than IDR 81 trillion in a single year, involving over 2.3 million bank accounts. PPATK also noted that online gambling users are predominantly within the productive age group, namely 17–35 years old. Meanwhile, data from the Ministry of Communication and Information Technology (Kominfo) showed that throughout 2023, more than 800,000 online gambling sites were blocked, yet many of them quickly resurfaced under new domains (Kominfo, p. 12). The global online gambling market was estimated to reach USD 81 billion in 2023, with projections for continued growth alongside the expansion of internet accessibility ([Kompasiana.com](https://www.kompasiana.com)). Different countries adopt different approaches: some prohibit online gambling entirely, such as Saudi Arabia and Brunei. This approach aligns with Indonesia, which normatively bans gambling through the KUHP, UU ITE, and Law No. 7 of 1974 on Gambling Control.

This phenomenon is not only a concern for Indonesia but also a global issue. A UNODC report (2022, p. 27) highlights that online gambling is frequently linked to money laundering and transnational crime. Data from Global Betting and Gaming Consultants (GBGC, 2022, p. 15) estimated that global online gambling transactions exceeded USD 90 billion in 2022 and continue to rise. Online gambling is associated with complex cybercrimes. According to Interpol data, approximately 30% of transactions involving online gambling websites in 2022 were suspected to be related to money laundering activities ([Kompasiana.com](https://www.kompasiana.com)).

Several countries adopt different approaches: some completely prohibit online gambling, such as Saudi Arabia, the United Arab Emirates, and Brunei. This approach is consistent with Indonesia, which normatively bans gambling through the KUHP, the ITE Law, and Law No. 7 of 1974 on Gambling Control. Others permit online gambling under strict regulation, licensing systems, and transaction monitoring to prevent money laundering and protect consumers, such

as France, Italy, and Germany. A commonly applied instrument is the EU Anti-Money Laundering Directive (5th AMLD), which requires operators to report suspicious transactions (European Union, 2018, p. 14). Some jurisdictions openly legalize online gambling through licensing systems, such as Malta and the United Kingdom, where the UK Gambling Commission has the mandate to supervise, protect consumers, and ensure the integrity of the digital gambling market (UK Gambling Commission, 2005). However, there is no specific international legal instrument regulating online gambling, aside from general cooperation under the Budapest Convention on Cybercrime (2001, p. 6). This creates asymmetry in international regulations, which is often exploited by illegal cross-border gambling operators.

The rising number of participants in online gambling reflects deeper social issues, including weak social control, low digital literacy, and the strong appeal of instant economic gain. This situation is exacerbated by massive internet accessibility and the lack of adequate oversight of digital content. It also reveals structural and technological weaknesses in blocking systems, along with high market demand, particularly among economically and socially vulnerable groups. Online gambling is not merely a violation of legal norms but has evolved into a digital criminal economy phenomenon.

Moreover, online gambling reflects a gap between *das sollen* (what ought to be) and *das sein* (what is). While the law strictly prohibits all forms of gambling, online gambling practices continue to thrive and remain difficult to eradicate. This highlights the weakness of legal norms' implementation in social reality, whether due to the limitations of legal instruments, the lack of effective law enforcement, or the low level of public legal awareness.

This study seeks to address these challenges through normative legal analysis and mapping of alternative strategies that can be undertaken by the state and society. This research is relevant because previous studies have generally focused only on juridical aspects or the technical dimensions of law enforcement without integrating a multidisciplinary approach. For instance, Hiariej (2020) highlighted the delays in the criminal law system in responding to the development of cybercrime, while Maulana & Rahardjo (2022) emphasized the importance of strengthening digital forensics. This study fills the gap by presenting a holistic approach that integrates legal philosophy, Islamic values, positive law, and social phenomena.

Therefore, this article addresses the following research questions: What is the relationship between morality, technology, and law in the enforcement of laws against online gambling? What legal challenges arise in the enforcement of laws against online gambling in the digital era? and, what normative and strategic solutions can be developed to enhance the effectiveness of law enforcement against online gambling?

2 Method

This study is a normative legal research aimed at examining the positive legal norms governing the prohibition of gambling, particularly online gambling. The approaches used in this research include: a statutory approach, by analyzing relevant laws and regulations such as the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE), and other implementing regulations; a conceptual approach, to understand the concept of digital crime and related criminal policy; and a comparative approach, to review law enforcement practices in other countries as a basis for consideration in national legal reform.

The primary data sources in this study consist of primary legal materials, namely laws, regulations, and court decisions; secondary legal materials such as books, scholarly journals, and previous research; and tertiary legal materials such as legal dictionaries and encyclopedias. The analysis was carried out qualitatively using a descriptive-analytical method.

3 Results and Discussion

3.1 Morality, Technology, and Law in the Enforcement of Online Gambling Laws

In Islam, morality (*akhlaq*) is not merely a social norm but an integral part of the law (*sharia*). Morality in Islam serves as the primary foundation in shaping individual and societal legal awareness. This is reflected in numerous verses of the Qur'an that emphasize the importance of avoiding wrongful acts, including gambling. The Qur'an explicitly prohibits gambling (*maysir*) in all its forms. Gambling is prohibited not only due to its legal implications but also because of its hidden, addictive nature, which often involves younger generations.

According to Al-Ghazali in *Ihya' Ulumuddin*, the function of law (*sharia*) is to safeguard the five fundamental principles (*maqashid al-shariah*): religion, life, intellect, lineage, and property. Online gambling directly contradicts these principles, as it can destroy

intellect, deplete wealth, and foster addiction that undermines both social and spiritual order (Al-Ghazali, 2005).

The phenomenon of online gambling reflects the clash between the advancement of digital technology, societal moral values, and the limitations of the legal system in responding to rapid social change. Morally, Indonesian society in general still upholds values that reject gambling practices, as reflected in religious norms and the state ideology of Pancasila, particularly the first principle, Belief in One Supreme God, and the second principle, Just and Civilized Humanity. Public morality thus serves as the philosophical foundation for the prohibition of gambling in Indonesia's positive legal system, including in the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE), and the Anti-Money Laundering Law.

The digital era has created a relatively autonomous space, both technically and normatively, beyond the control of the state. Digital platforms operate across jurisdictions and often form their own value systems that do not always align with national law. In such circumstances, law loses its grounding if it is not supported by collective moral values that transcend space and time. Online gambling exploits technological advancements to circumvent national regulations, making law enforcement processes highly complex. Technology provides anonymous, decentralized, and fast platforms, while law often lags in detection and response.

Morality in the digital sphere must be understood as a set of ethical values that can serve as the foundation for the legitimacy of legal regulation. If law is regarded solely as an instrument of control without moral substance, then in the digital realm, law becomes blunt. Therefore, public morality, which embodies the social consensus on what is right and wrong, must be internalized in every legal policy related to the digital space, including efforts to combat online gambling.

Morality is essential to ensure that law enforcement is not merely formal and legalistic, but also carries social legitimacy. A society with moral awareness will be better able to collectively reject and resist online gambling practices. The relationship between morality, technology, and law should be integrative; morality provides the ethical basis for designing laws and educating the public. Technology is employed as a tool to support law enforcement and digital literacy. Law serves as a regulatory instrument capable of accommodating change while strengthening society's moral

values. Building a legal system capable of enforcing the law against online gambling requires collaboration among morality, technology, and law. Without morality, law loses its direction; without technology, law enforcement becomes slow; and without law, morality and technology operate without control.

According to Gustav Radbruch's theory of legal integration, law consists of three fundamental elements: justice, certainty, and utility (Radbruch, 1950). Morality represents justice, technology reflects challenges to legal certainty, while law enforcement tests the aspect of utility. Online gambling creates a dilemma because technology expands gambling practices into private and transnational domains, while positive law still largely relies on conventional approaches.

In this interaction, platforms emerge that disguise themselves as games or entertainment applications but in fact involve elements of betting and financial gain, including live streaming and cryptocurrency transactions. Although public morality rejects such practices, in reality, some members of society are tempted by the ease of access and the profit potential. This reflects the tension between the moral values espoused and the actual behavior of society.

To understand this condition, Lawrence M. Friedman's theory of law enforcement can be applied, which divides the legal system into three elements: legal structure, legal substance, and legal culture. These three elements must operate synergistically for the legal system to function effectively amid social dynamics.

The legal structure refers to law enforcement institutions such as the police, the prosecutor's office, and the judiciary. In the case of online gambling, this structure is not yet sufficiently robust, either technically or in terms of coordination. Many cases fail to be prosecuted because servers are located abroad or perpetrators disguise their digital identities using VPNs and unregistered digital wallets.

Legal substance refers to the content or norms of the law in force. Currently, Indonesia relies on Article 303 of the Criminal Code (KUHP) and Article 27(2) of the Electronic Information and Transactions Law (UU ITE) to prosecute gambling. However, these provisions do not specifically regulate cross-border, digitally based gambling that is concealed behind entertainment applications. Instead, they only prohibit the distribution or transmission of gambling content, and this normative formulation is often insufficient to address new methods hidden behind digital applications or foreign servers.

Legal culture is the set of values, attitudes, and behaviors of society toward law. Here, morality plays a crucial role. Although religious and social norms prohibit gambling, in practice, many people, including teenagers and students, actively engage in online gambling sites. This indicates a gap between the moral values that are believed and the social reality that is lived.

Therefore, a legal approach that is both adaptive to technological developments and responsive to societal moral values is required. Digital countermeasures should not rely solely on law enforcement but must also integrate community moral values into technological design, early digital education, and the strengthening of ethics-based communities.

Several countries take different approaches: some completely prohibit online gambling, such as Saudi Arabia, the United Arab Emirates, and Brunei. Others allow online gambling under strict regulation, licensing systems, and transaction monitoring to prevent money laundering and protect consumers, such as France, Italy, and Germany. Some countries openly legalize it with a licensing system, such as Malta and the United Kingdom. However, there is no specific international legal instrument that regulates online gambling, except for general cooperation through the Budapest Convention on Cybercrime Council of Europe (2001). This creates regulatory asymmetry at the international level, which is often exploited by cross-border illegal gambling operators.

Differences in these approaches, which result in varying rules and regulations on online gambling across countries, have created global legal loopholes. These loopholes are exploited by cross-border illegal gambling operators to avoid regulation and law enforcement. Countries such as Indonesia, Saudi Arabia, and Brunei impose a total ban on gambling, while Malta, the United Kingdom, and the Philippines legalize it under a licensing system. This disparity allows operators to base themselves in countries with loose or even protective regulations, while still targeting markets in countries that prohibit gambling (European Union, 2018; UK Gambling Commission, 2005).

The Indonesian Ministry of Communication and Informatics (Kominfo) has blocked many online gambling sites that use overseas servers, particularly those located in the Philippines and Cambodia ([observid.com](https://www.observid.com)).

Money laundering also reinforces this problem. Illegal operators often exploit a combination of cross-jurisdictional transactions and digital payment sys-

tems by creating multiple accounts, transferring funds between accounts to obscure their origin, and relying on the anonymity of transactions on online gambling platforms (complyadvantage.com).

This demonstrates that national law enforcement, without global coordination, will always lag behind. Therefore, a more comprehensive mechanism of international cooperation and the strengthening of transnational legal instruments specifically regulating online gambling are required. The asymmetry of international regulations represents a fundamental challenge for countries that prohibit gambling, as operators exploit legal loopholes between jurisdictions to expand their illegal business.

For Indonesia, which relies only on a prohibition-based approach rooted in moral norms and positive law, such efforts are not sufficient to deal with online gambling. An alternative approach is needed, namely a hybrid approach that combines the prohibitive dimension of gambling bans based on moral norms and positive law with the regulatory dimension of supervision, international cooperation, and the use of technology.

The prohibitive dimension reaffirms the ban on online gambling as stipulated in the Criminal Code (KUHP), Law No. 7 of 1974, and the UU ITE. This foundation is consistent with religious values, public morality, and the state ideology of Pancasila, which rejects gambling.

The regulative dimension acknowledges the reality of cross-border digital technology. Therefore, law enforcement must be strengthened through international cooperation and the use of technology, such as artificial intelligence-based regulatory tools, to detect gambling websites and illegal financial flows ([United Nations Office on Drugs and Crime, 2022](#)).

The protective dimension ensures that law is not only repressive but also protective, meaning that the state must develop digital literacy programs, gambling addiction rehabilitation, and child protection against gambling.

Thus, the hybrid approach provides a balance between moral legitimacy, legal certainty, and technological effectiveness. Law is not merely an instrument of control but functions responsively in addressing social phenomena and digital technology ([Nonet & Selznick, 1978](#)).

3.2 Legal Challenges in Enforcing Laws Against Online Gambling in the Digital Era

Law enforcement against online gambling faces complex and multidimensional challenges. The phenomenon is not only juridical but also social, cultural, and structural in nature. To analyze these challenges, this study applies Soerjono Soekanto's theory of law enforcement, which states that the effectiveness of law enforcement is influenced by four main factors:

1. The law or regulation

Online gambling is often not explicitly captured by normative regulations. Although Article 27(2) of the Electronic Information and Transactions Law (UU ITE) and the National Criminal Code (KUHP) regulate gambling prohibitions, the nature and modus operandi of online gambling, which constantly evolve, are not yet fully accommodated. Gambling sites operate through applications, social media, and overseas servers, and are often disguised as games. Regulations that are reactive and not adaptive to digital developments become a major obstacle to providing legal certainty. This is consistent with Soerjono Soekanto's assertion that "the substance of the law must be in accordance with the needs of a dynamic society" ([Soekanto, 1983](#)).

2. Law enforcement officers

Many law enforcement officers still lack adequate technical competence in digital forensics, cyber investigation, and the tracing of financial technologies used in online gambling practices. Meanwhile, online gambling actors often employ sophisticated technologies such as data encryption, servers outside Indonesian jurisdiction, and non-bank payment systems such as cryptocurrency and e-wallets. According to a report by the National Cyber and Cryptography Agency ([Badan Siber dan Sandi Negara, 2022](#)), only a small number of law enforcement institutions have reliable digital forensic capacity, especially at the regional level. Human resource capacity outside the central government remains limited due to a lack of training and resource distribution ([Badan Siber dan Sandi Negara, 2022](#)). The enhancement of human resources for cyber law enforcement has not been evenly distributed, particularly at the regional level. Digital forensic competence is still concentrated in only a few institutions. A multi-stakeholder collaboration is needed, including law enforcement, the

Financial Transaction Reports and Analysis Center (PPATK), the Financial Services Authority (OJK), Bank Indonesia, the Ministry of Communication and Information Technology (Kominfo), and digital service providers (ISPs, digital wallet providers, and banks). However, in reality, there is still no integrated national collaborative framework that is legal, technical, and operational in nature. The Ministry of Communication and Information Technology ([Ministry of Communication and Information Technology, 2023](#)) emphasizes the importance of cross-institutional coordination through an integrated control center to tackle online gambling sites and networks, but so far, this remains at the planning stage.

3. Facilities and infrastructure

Another significant challenge is the lack of technological support facilities. In the context of cybercrime, law enforcement requires real-time monitoring systems, detection software, and access to international data. Without adequate facilities, law enforcement against digital crimes such as online gambling remains largely symbolic.

4. Public legal awareness

A portion of Indonesian society still has low legal awareness regarding the dangers and legal implications of online gambling. In fact, there is social normalization of gambling behavior in certain communities, which view it as entertainment or a quick way to make money. Soekanto emphasizes that “public legal awareness is the key to the success of any legal system” ([Soekanto, 1983](#)). If society is permissive toward legal violations, law enforcement will lose its social legitimacy.

Law enforcement will not succeed if any of these four factors experience disruption or weakness ([Soekanto, 1983](#)).

3.3 Normative and Strategic Solutions to Enhance the Effectiveness of Law Enforcement Against Online Gambling

Law enforcement against online gambling in Indonesia faces complex structural and instrumental challenges. Therefore, normative and strategic solutions are required that are not merely repressive but also reinforce prevention, institutional capacity, and inter-agency collaboration. These solutions must be analyzed within the framework of responsive law enforcement.

Normatively, Indonesia’s legal framework on online gambling is still based on conventional regulations

such as the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE), and the Gambling Law (Law No. 7 of 1974). These three legal instruments do not explicitly address the transnational, digital, and decentralized characteristics of online gambling. This creates legal loopholes and interpretive ambiguities. For this reason, legal reform or harmonization is necessary to reflect the complexity of digital crimes.

In line with the theory of responsive law developed by Nonet and Selznick, the law must be capable of responding to social challenges while maintaining accountability and the values of justice. Responsive law is not merely an instrument of power but also ensures participation, substantive justice, and adaptive solutions to social problems ([Nonet & Selznick, 1978](#)). Accordingly, revisions to the UU ITE should explicitly regulate special provisions on online gambling, including oversight mechanisms for operators, intermediaries (ISPs, platforms), and users.

Strategically, efforts to improve the effectiveness of law enforcement against online gambling involve institutional reform and inter-agency synergy. This includes establishing specialized cybercrime units in each region equipped with digital forensic technology and qualified human resources; providing regular training for law enforcement officers in digital investigations and cross-border financial tracing, including the use of blockchain analysis tools; and strengthening coordination between agencies such as the Ministry of Communication and Information Technology (Kominfo), the Financial Transaction Reports and Analysis Center (PPATK), the Financial Services Authority (OJK), Bank Indonesia (BI), and the National Police to handle illegal financial flows and real-time site blocking.

Strategic solutions must also be socio-cultural in nature. Online gambling represents a moral crisis that cannot be resolved solely through positive law. Therefore, public education and digital literacy campaigns emphasizing the ethical, psychological, and economic dangers of online gambling are crucial. These campaigns should be integrated into educational policies, digital platforms, and mass media as part of building a digitally conscious legal culture.

4 Conclusion

The phenomenon of online gambling demands a legal paradigm that integrates morality, technology, and justice. Morally, gambling is contrary to religion and the

values of Pancasila, while existing regulations remain limited and conventional.

Law enforcement against online gambling faces challenges in terms of substantive law, limitations of law enforcement personnel, inadequate technological facilities, and low public awareness regarding the dangers and legal implications of online gambling.

A hybrid approach is required—one that combines prohibition, adaptive regulation, international cooperation, and community protection. Such a hybrid approach provides balance between moral legitimacy, legal certainty, and technological effectiveness. This requires regulatory reform, strengthening the digital capacity of law enforcement, and enhancing public digital literacy so that law enforcement can be more responsive and just.

References

- Al-Ghazali. (2005). *Ihya' 'Ulumuddin* (Vol. 4). Dar al-Fikr.
- Al-Qur'an, Surah Al-Maidah: 90–91.
- Council of Europe. (2001). *Convention on cybercrime* (Budapest Convention) (European Treaty Series No. 185). Council of Europe.
- DPR RI Commission I. (2023). *Evaluation report on the budgeting of national cybersecurity*.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation.
- Hiariej, E. O. S. (2020). *Criminal law and the challenges of the digital era* [Hukum pidana dan tantangan zaman digital]. FH UGM Press.
- ICW (Indonesia Corruption Watch). (2022). *Digital corruption and the role of rogue law enforcement officers*. ICW.
- Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016.
- Maulana, A., & Rahardjo, S. (2022). Digital forensics as legal evidence in cybercrime law enforcement. *Journal of Law and Cyber Security*, 4(2), 55–67.
- Ministry of Communication and Information Technology (Kominfo). (2023). *Strategy for handling online gambling sites in Indonesia*. Kominfo.
- Badan Siber dan Sandi Negara (BSSN). (2022). *Annual report of BSSN: National cybersecurity capacity*. BSSN.
- Nonet, P., & Selznick, P. (1978). *Law and society in transition: Toward responsive law*. Harper & Row.
- Radbruch, G. (1950). *Einführung in die rechtswissenschaft*. Koehler.
- Radbruch, G. (2006). *Philosophy of law: The three pillars of the purpose of law* (M. Khozim, Trans.). Nuansa.
- Rahardjo, S. (2009). *Progressive law: A synthesis of Indonesian law*. Genta Publishing.
- Soekanto, S. (1983). *Factors affecting law enforcement*. Rajawali.
- The criminalization of online gambling in international law: The dilemma between cybercrime eradication and liberal policy. (2024, December 10). Kompasiana. Diambil 15 Agustus 2025, dari <https://www.kompasiana.com/farahgitaapriilia7164/6757e382ed641504b2642152/kriminalisasi-judi-online-dalam-hukum-internasional-dilema-antara-pemberantasan-kejahatan-cyber-dan-kebijakan-liberal>
- Trisista, R. G. M. (2024). Online gambling emergency. *Jurnal Legisla*, 16(2).
- United Nations Office on Drugs and Crime (UNODC). (2022). *Global report on online gambling and money laundering*. UNODC.