

Criminal Liability Of Perpetrators Who Promote Online Gambling Based On (A Study Of Decision Number 91/Pid.Sus/2024/Pn Lsm)

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Abstract. The development of information technology has driven the shift of crimes into cyberspace, including the increasingly widespread practice of online gambling. Promotion through social media by influencers has expanded public access to gambling activities and generated serious social and legal impacts. This study examines the regulation and criminal liability of perpetrators promoting online gambling in Indonesia through the analysis of the Lhokseumawe District Court Decision Number 91/Pid.Sus/2024/PN Lsm. The method employed is normative juridical research with statutory, conceptual, and case study approaches. The results of the study indicate that the regulation of online gambling promotion is governed under Articles 303 and 303 bis of the Indonesian Criminal Code, Law Number 7 of 1974 concerning Gambling Control, and Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of the Electronic Information and Transactions Law as amended by Law Number 1 of 2024. Criminal liability is based on the elements of conduct and fault (*mens rea*), whereby perpetrators may be regarded as participants or instigators. The court decision affirms that gambling-related content accessible to the public through social media fulfills the elements of a criminal offense and may be subject to sanctions in accordance with applicable legal provisions.

Keywords: Climate Change; Global Warming; Environmental Law; Economic Activities.

INTRODUCTION

Indonesia, as affirmed in Article 1 paragraph (3) of the 1945 Constitution, is a state based on the rule of law that places the supremacy of law as the foundation for the administration of national and state life. The principle of the rule of law aims to achieve order, justice, legal certainty, and public benefit for society (Hiariej, 2024:12). In this context, criminal law plays an important role as an instrument of law enforcement that is not only repressive but also preventive, functioning as a means of social defence and social control to maintain social norms and values (Waluyo, 2008:12).

The role of criminal law as an *ultimum remedium* faces significant challenges in the digital era, where the development of information technology has given rise to complex cybercrimes that are transnational, anonymous, and have extensive impacts (Bahri, 2023:9). One of the most concerning forms is online gambling, which sociologically is categorized as deviant behavior with systemic destructive effects, impacting individuals, families, and society through social conflicts, subsequent criminal acts, and economic dependency that damages productivity (Kartini, 2021:56). This practice not only affects the individual perpetrators but also extends to the smallest social unit, namely the family, and to society at large. Gambling addiction may trigger family disintegration due to financial conflicts, encourage further criminal acts such as theft, fraud, or embezzlement to cover losses, and create economic dependency that undermines individual productivity.

The transformation of gambling into digital platforms has exponentially worsened its destructive impacts by eliminating many of the barriers associated with conventional