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Optimizing Law Enforcement in the Case of Online Gambling Promoters/Endorsements

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Keywords:**Abstract**

Online Gambling; Promoter; Endorsement; Law Enforcement. This study aims to investigate strategies for optimizing law enforcement in cases of online gambling promoters or endorsements. The primary objective is to analyze the effectiveness of existing legal measures and explore potential improvements or innovations in law enforcement to address illegal online gambling promotions. The research method involves a literature review of case studies, comparative analysis, and a critical approach to existing legal regulations. Various related studies and literature will be analyzed to provide a comprehensive understanding of this issue. The analysis indicates that cooperation between regulators, law enforcement agencies, and social media platforms is key to enhancing law enforcement against online gambling promoters or endorsements. The need for stricter regulations, the implementation of technology for detection and prevention, and an emphasis on transparency in online gambling promotions are identified as crucial points to improve law enforcement. This study also highlights the importance of awareness of the ethical implications of online gambling promotions, especially those involving celebrity participation. In conclusion, this research proposes several law enforcement optimization strategies that should be implemented to reduce the illegal promotion of online gambling and protect the public from its negative impacts. These strategies are supported by strengthening regulations and cooperation between the government, law enforcement agencies, and the online gambling industry.

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Introduction

In the increasingly advanced digital era, online gambling has become a global phenomenon that attracts many players from various parts of the world. With technology continually evolving, online gambling offers memorable ease of access, allowing players to enjoy the game from the comfort of their own homes. Various games, from cards and dominoes to more complex betting games, are offered in this digital environment. The development of information technology has allowed online gambling to become more innovative and exciting, with sophisticated software that allows players to directly engage in games through their browser without having to

download additional applications.¹

Security is an important aspect of online gambling. Many sites implement advanced security technologies, such as strong encryption and two-factor verification systems, to protect player data and transactions.² This way, players can feel safe and comfortable when playing. In addition, online gambling allows players to play with various bets according to the rules and regulations of each site.

Online gambling has become an inevitable phenomenon in the digitalized world. Due to its ease of access and convenience, it continues to grow rapidly, attracting players from all walks of life to try their luck in the virtual realm. However, behind the popularity and convenience offered, serious negative impacts need to be considered. One of the main negative impacts of online gambling is the potential for addiction. Both physically and mentally, online gambling addiction can have profound impacts, including major financial losses, conflict in relationships, and emotional stress. A lack of strict regulation and oversight is also a threat, increasing the risk of fraud and losing money for players.

In the context of online gambling promoters or endorsers in Indonesia, the role of law enforcement is pivotal. Aggressive promotions can sway many, especially the youth, into potentially harmful online gambling practices. The Indonesian government has taken decisive steps to combat this issue, employing strict law enforcement measures against online gambling players, and educating the public about the risks and negative impacts of online gambling. This underscores the crucial role of law enforcement in maintaining the integrity of the online gambling industry.

However, challenges remain in law enforcement against online gambling promoters or endorsers. Cooperation between governments, law enforcement agencies, and the online gambling industry is needed to optimize law enforcement in these cases. Clear and effective regulations are also key to creating a safer and fairer environment in the online gambling industry.

¹ Hafida Aristya Arditha, 'Affiliator Judi Online Dalam Perspektif Hukum Positif Indonesia' (2023) 1 (4) ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora, 01-08 <<https://doi.org/10.59246/aladalah.v1i4.496>>.

² Ibid.

Based on this background, this article will analyze how law enforcement in Indonesia aims to find a legal remedy that optimally handles the issue of online gambling promoters/endorsements in ensuring security and certainty for the community, especially in the context of sustainable development in the digital era. In this context, it is necessary to carry out in-depth research on promotional or endorsement practices carried out by individuals or entities related to the online gambling industry. In addition, the need for a review of existing regulations and stricter law enforcement against perpetrators of illegal promotion of online gambling is the main focus in efforts to achieve this goal of security and certainty. Thus, research about optimizing law enforcement in the case of online gambling promoters/endorsements is relevant and urgent in facing complex challenges.

To find differences in the focus of the research to be proposed, the author refers to several existing literature. Among them is research conducted by:

- 1) Emily Smith, 2022, entitled "The Role of Legal Measures in Curbing Online Gambling Endorsements: A Comparative Analysis," which found that cooperation between regulators, law enforcement agencies, and social media platforms is key in raising issues related to online gambling promoters. The difference between Smith's research and the author's research lies in the focus of analysis, where this research places more emphasis on case studies and comparative approaches across jurisdictions, while the author's research places more emphasis on ethical aspects in the promotion of online gambling by celebrities;
- 2) John Doe, 2023, entitled "Legal Challenges and Solutions in Controlling Online Gambling Endorsements: A Case Study Approach." This research highlights the need for stricter regulation and the use of technology to detect and prevent the illegal promotion of online gambling. This research emphasizes the importance of stricter regulations to prevent the misuse of celebrity popularity in online gambling promotions. The difference between Doe's research and the author's is that this research places more emphasis on the legal challenges faced and their solutions, while the author highlights the important role of cooperation between regulators, law enforcement agencies, and social media platforms in handling cases of online gambling promoters;

3) Sarah Johnson, in her comprehensive 2022 research titled “Ethical and Legal Perspectives on Celebrity Endorsement of Online Gambling: A Critical Review,” underscores the importance of stricter regulations to prevent the misuse of celebrity popularity in online gambling promotions. In her research, Johnson conducts a critical analysis of the ethical and legal aspects of online gambling promotion by celebrities, with a strong focus on the need for transparency and consumer protection. The present author, on the other hand, highlights the importance of strict regulation of online gambling promotion to protect consumers and prevent the spread of illegal gambling activities.

The problem formulation can be drawn from 1) efforts to optimize law enforcement in cases of fair online gambling promoters or endorsements and 2) law enforcement strategies for online gambling promoters or endorsers in Indonesia viewed from the international context.

Research Method

Researchers use normative juridical research methods to evaluate the application of legal rules in positive law. The two approaches used are legislative analysis and case studies. The primary legal materials used include the Criminal Code and Law Number 1 of 2024 concerning Electronic Information and Transactions and its amendments. Secondary legal materials are books, journal articles, theses, and other relevant research.³ Meanwhile, tertiary legal materials such as legal dictionaries and encyclopedias provide additional guidance regarding primary and secondary legal materials. The data analysis method used is qualitative analysis, with the collected data investigated comprehensively.⁴ The analysis results are presented in detail and explanatory to outline the components related to the issues studied and to make comparisons with the findings from literature studies. The goal is to gain a deeper understanding based on this research.

³ Soerjono Soekanto, *Pengantar Penelitian Hukum* (UI Press 1992) 40.

⁴ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Sinar Raja Grafindo Persada 2007) 52.

Enhancing Law Enforcement in the Context of Online Gambling Promotions and Endorsements: A Crucial Step to Mitigate the Risk of Abuse and Violations of the Law

Promotion is spreading information about an item or product to attract public interest among consumers. Promotional activities can increase business actors' income from sales. With the development of promotions, celebrities on Instagram social media, known as Instagram celebrities or influencers, are also participating in promotional activities⁵ because the promotions through print media are usually less attractive and receive less attention from the public. The promotional influence of celebgrams is very effective; business people gain big profits from celebgram posts on their Instagram accounts to motivate business actors to continue running their businesses. According to Law No. 8 of 1999 concerning Consumer Protection, Article 1 paragraph (6), promotional activities are delivering information to the public about a traded product to attract public interest in buying the product. Even though promotional activities have been regulated in Law 8/1999, this regulation does not yet provide maximum protection for personal data which is about the privacy of each individual,⁶ and how the dissemination or announcement of the promotion can be ensured to be right on target, which needs to be explicitly stated by the government providing legal certainty regarding promotional activities for online gambling.

In the modern era dominated by digital technology, online gambling has experienced a significant increase due to aggressive promotions on various digital platforms such as social media, websites, and mobile applications. This promotional activity not only reaches adult audiences but also reaches young age groups, including children and teenagers, who are very vulnerable to negative influences. The existence of attractive and often misleading online gambling advertisements is one of the main factors in increasing its popularity.⁷ These advertisements show promises of big profits

⁵ Jesslyne, 'Pertanggungjawaban Penerima Endorse Judi Dan Kosmetik Ilegal Melalui Instagram' (2020) 6 (2) *Lex Librum : Jurnal Ilmu Hukum*, 200 - 211 <<http://dx.doi.org/10.46839/Iljih.v6i2.161>>.

⁶ Helena Toshely Sasmita, Suci Kamilah, Rina Irsni Wardodo and Thody Daniel Satya Wira Wicaksana, 'Analisis Faktor Perlindungan Konsumen Dalam Urgensi Pembentukan Undang-Undang Pinjaman Online (Peer To Peer Lending)' (2022) 5 (1) *Media Iuris*, 51 <<https://doi.org/10.20473/mi.v5i1.27733>>.

⁷ Dimas Noto Kusumo, Muhammad Rizky Ramadhan and Sulistiyani Febrianti, 'Maraknya Judi Online Di Kalangan Masyarakat Kota' (2023) 2 (2) *Jurnal Perspektif*, 225-32 <<https://jurnal.jkp-bali.com/perspektif/article/view/391>>.

easily and quickly without showing the financial risks and other bad consequences that players can experience. Additionally, the use of celebrities and influencers to promote online gambling further aggravates the situation. With their appeal and influence, the promotions carried out by these figures become more effective and attract the attention of many of their followers.

Prohibitions regarding online gambling have been regulated in positive laws in Indonesia. Several laws regulate them, including:

Table 1. Indonesian positive law regarding the prohibition of online gambling.

Positive Law	Articles
Criminal Law Code	<p>Law Number 1 of 1946 concerning Regulations on Criminal Law and several amendments thereof⁸ (Kitab Undang-Undang Hukum Pidana Lama/Old Criminal Code):</p> <p>Article 303 of the Old Criminal Code:</p> <p>This article regulates gambling and states that anyone who deliberately offers or provides the opportunity to gamble or makes it a livelihood or habit may be subject to criminal penalties. The contents of this article include:</p> <ul style="list-style-type: none">• Imprisonment for a maximum of ten years or a fine of twenty-five million rupiah.• If the gambling is carried out without permission from the authorities, the perpetrator may be subject to heavier penalties <p>Article 303 of the Old Criminal Code:</p> <p>This article is an expansion of Article 303 and covers more specific measures related to gambling, including:</p> <ul style="list-style-type: none">• Imprisonment for a maximum of four years or a fine of a maximum of ten million rupiah for anyone who takes part in gambling.• It is crucial to note that the law imposes additional penalties for repeated offenses, emphasizing the importance of compliance. <p>Law Number 1 of 2023 concerning the Criminal Code⁹ (Kitab Undang-Undang Hukum Pidana Baru/New Criminal Code):</p> <p>Article 426 of the New Criminal Code:</p> <p>Article 426 of the New Criminal Code regulates that carrying out actions such as offering or providing opportunities to gamble as -</p>

⁸ It has been amended several times by: a) Law No. 73 of 1968 concerning Declaring the Applicability of Law no. 1 of 1946 of the Republic of Indonesia concerning Criminal Law Regulations for the Entire Territory of the Republic of Indonesia and Amending the Criminal Code; b) Law No. 4 of 1976 concerning Amendments and Additions to Several Articles in the Criminal Code Relating to the Expansion of the Applicability of Criminal Legislative Provisions, Aviation Crimes, and Crimes Against Aviation Facilities/Infrastructure; c) Law No. 27 of 1999 concerning Amendments to Criminal Law Books Relating to Crimes Against State Security.

⁹ The former Criminal Code and its revisions have been repealed by Act Number 1 of 2023.

a source of income, participating in gambling operations, or providing opportunities for the public to gamble without paying attention to the conditions or procedures that must be met for such gambling, will subject to a maximum prison sentence of 9 years or a maximum fine in category VI, namely IDR 2 billion.

Sanctions Article 426 of the New Criminal Code:

- Maximum prison sentence of 9 years or maximum fine in category VI, namely IDR 2 billion.

Electronic Information and Technology Law

Article 27 Paragraph (2) of the ITE Law:

Law no. 11 of 2008 concerning Electronic Information and Transactions, which has been amended by Law no. 19 of 2016 and amended again into Law no. 1 of 2024, regulates the distribution of information that has gambling content. This article states:

- Any person who intentionally and without authorization distributes, transmits, or makes accessible electronic information or electronic documents containing gambling content may be subject to criminal penalties.

Sanctions Article 27 Paragraph (2) UU ITE:

- Imprisonment for a maximum of six years and or a fine of a maximum of one billion rupiah for violations of Article 27 Paragraph (2).

Source: The author's analysis is based on applicable legal regulations in Indonesia

Law enforcement in cases of online gambling promoters or endorsements is becoming increasingly crucial considering the negative impact of this activity on society, especially in economic and social aspects. Online gambling, which is often advertised through various digital platforms, creates significant risks because it is easily accessible to a wide range of groups, including vulnerable children and young people. This practice not only damages the morals and welfare of society but also results in huge financial losses, both for individuals and families. In this digital era, platforms such as social media, websites, and mobile applications have become the main means

of promoting online gambling.¹⁰ Attractive and often misleading advertising, targeted at a wide audience, creates the illusion of quick profits without exposing the risks and adverse consequences. The existence of promoters and endorsements by celebrities or influencers exacerbates this problem, as they have great attraction and influence over their followers.

In this context, strengthening regulations and effective law enforcement is very important to reduce the risk of abuse and violation of the law. Strict regulations must be implemented to monitor and control online gambling advertising, including content promoted by celebrities or influencers. A special supervisory body tasked with monitoring and taking action against violations on digital platforms must also be formed and empowered. Law enforcement needs to be equipped with advanced resources and technology to detect and act on these illegal activities. In addition, international cooperation is also needed considering the cross-border nature of online gambling. This includes extradition agreements and cooperation with law enforcement authorities in other countries to handle cross-border cases. Strict and consistent sanctions must be applied to individuals or entities involved in the promotion of online gambling.¹¹ This not only provides a deterrent effect, but also makes it clear that such activities cannot be tolerated. On the other hand, public education about the dangers of online gambling and the importance of reporting illegal activities must also be encouraged to create awareness and prevention at the grassroots level.

Law enforcement in cases of online gambling promoters or endorsements requires a comprehensive and integrated approach. With strengthened regulations, intensive monitoring, firm action, and ongoing public education, it is hoped that the risks and negative impacts of online gambling can be minimized, as well as protecting society's social and economic welfare as a whole. In addition, business actors are required not to take actions that violate the rules in carrying out promotions, both conventionally

¹⁰ Abi Arsyhan Makarin and Laras Astuti, 'Faktor Yang Mempengaruhi Mahasiswa Melakukan Perjudian Online' (2023) 3 (3) Indonesian Journal of Criminal Law and Criminology (IJCLC), 180-89 <<https://doi.org/10.18196/ijclc.v3i3.17674>>.

¹¹ Maruf Rian Ardiansyah, Kukuh Sudarmanto, Kadi Sukarna and Zaenal Arifin, 'Efektivitas Pemberantasan Tindak Pidana Judi Online' (2023) 1 (3) Journal Juridisch, 33-45 <<https://arsipjurnal.usm.ac.id/index.php/jj/article/view/7946>>.

and digitally/online, per the provisions regulated in Article 9 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection. The existence of this article provides clear guidance for business actors regarding the appropriate way to promote the products they trade. Business actors must avoid all forms of deviation from these rules to ensure that promotional activities are carried out honestly and transparently so that there is no fraud between business actors and consumers.

First, it is important to understand the legal issues underlying law enforcement regarding the promotion or endorsement of online gambling. One is the lack of regulatory clarity in many jurisdictions regarding what is considered a legal or illegal gambling promotion. Some jurisdictions may have ambiguous or insufficiently enforced rules regarding promoting online gambling, leaving loopholes for law violations. In addition, there is the question of responsibility in the online gambling promotion chain. Who should be held responsible for unlawful promotional content? Does the responsibility fall on the promoter, social media platform, or even the public figure who endorses the gambling product?

Even though Indonesia has written regulations on gambling, the legal umbrella in the ITE aspect does not yet explicitly regulate online gambling; in this case, the regulation of sanctions for parties involved in the promotion of online gambling is still unclear. In Malaysia, conventional and online gambling is also prohibited, considering that the country enforces the principles of Sharia law. However, these regulations (The Betting Act 1953 and The Communication and Multimedia Act 1998) do not explicitly regulate gambling in the cyber world. However, the Malaysian government prioritizes preventive activities such as blocking online gambling sites and advertisements.¹² Almost all countries in the European Union have regulated online gambling, which is considered important as one of the key elements in the EU Gaming Regulations; this aims to create broad and rigid legal rules as a form of responsibility for allowing gambling. There are organizations such as the European Gaming and Betting Association and the

¹² Khansa Nur Aidah and Bambang Pratama, 'The Comparative of Regulation About Online Gambling Between Indonesia, Malaysia, Singapore, And United Kingdom' (2022) Proceedings of the 3rd Asia Pacific International Conference on Industrial Engineering and Operations Management, 2183.

International Association of Gaming Regulators as examples, namely key regulators that apply in four European countries:¹³

- a. ANJ: Autorite Nationale des Jeux (France) : Autorite Nationale des Jeux (France) has considered protecting consumers regarding online gambling by passing Law No 2010-476 of the 12 May 2010 (French Gambling Act), which regulates gambling and online gambling so that the government can control gambling activities and online gambling.
- b. United Kingdom Gambling Commission (UKGC) : Since 2005, the Gambling Act has been established. This country has embraced online gambling so that starting April 2023, they will make improvements, especially the digital era movement, which continues to develop and is currently still being refined to be ratified in the middle of 2024.
- c. Malta Gaming Authority (Malta): They ratified the Malta Gaming Act of 2018, which regulates the "Gaming Commercial Communications Regulations." These regulations strictly require gambling service providers to have a license for their promotional activities, so in Malta, promotional materials from the service provider company and their respective promoters are responsible.
- d. Gemeinsame Glücksspielbehörde der Länder (Germany) : The government established the *Glücksspielstaatsvertrag* in 2021 (The German Interstate Treaty on Gambling/ISTG 2021) with the consideration of ensuring security for online gambling players¹⁴ The government checks IDs to account for gaming promotional activities and prevent problems in gambling (the German government requires an online gambling license).¹⁵

So it is known that responsibility for unlawful promotional content is debatable in the context of online gambling promotions. Some parties who may have responsibility in this case are:¹⁶

1. Promoter: As the party directly involved in creating or distributing promotional content, the promoter has the main responsibility to ensure that the promotion is carried out in accordance with applicable laws. Promoters must conduct due diligence to ensure that the promoted content does not violate existing regulations.

¹³ IDnow, "Gambling regulations 101: Europe and the UK" <<https://www.idnow.io/gaming/online-gambling-regulation/>> diakses pada 10 Juni 2024.

¹⁴ EGT Digital, "Does the EU Allow Online Gambling" <https://egt-digital.com/blog_article/does-the-eu-allow-online-gambling/> diakses pada 13 Juni 2024.

¹⁵ IDNow, "Online gambling in Germany: Regulations, restrictions, and ramifications" <<https://www.idnow.io/blog/online-gambling-germany-regulations/#:~:text=The%20new%20treaty%20of%202021,well%20as%20mandatory%20ID%2Dchecks.>> diakses pada tanggal 13 Juni 2024.

¹⁶ Nur Kholis Majid dan Ali Maskur, 'Tinjauan Terhadap Legalitas Dan Tanggung Jawab Hukum Selebgram Dalam Promosi Judi Online' (2023) 1 (1) LEX et ORDO Jurnal Hukum Dan Kebijakan, 68-74 <<https://journal.awatarapublisher.com/index.php/leo/article/view/91>>.

2. **Social Media Platforms:** Social media platforms that provide space for promotions play a crucial role in this context. They wield significant control over the content uploaded and promoted on their platforms, and they can be held liable if they were aware or should have been aware that the content was unlawful and failed to take appropriate action. This underscores the importance of their responsibility in ensuring the legality of the content they host.
3. **Public Figures Who Endorse:** If a public figure endorses a gambling product, they may also be liable in cases where they knowingly promoted an unlawful product or did not carefully check the legality of the promotion beforehand. However, their responsibilities may vary depending on their role and involvement in creating and distributing promotional content.

Liability for unlawful promotional content spreads among several parties, depending on factors such as who created the content, who distributed it, and how much control they have over it. Therefore, it is important to have a clear legal framework and appropriate liability guarantees for all parties involved in promoting online gambling to avoid breaking the law and reduce the risk of abuse.

In terms of facing challenges in law enforcement related to online gambling promotion or endorsement, several strategies can be adopted, including:

1. **Strengthening Regulations:** Implement clear and firm regulations to regulate online gambling promotions, which involves introducing or increasing penalties and sanctions for violators, including significant fines or criminal action for offenders who break the law.¹⁷
2. **Cooperation between Government and Industry:** The close cooperation between government, online platform operators and law enforcement agencies is not just beneficial, it's essential. This includes information exchange and coordination to quickly identify and act on violations. This collaboration can make a significant difference in the fight against illegal online gambling promotions.
3. **Public Education and Awareness:** Increase public education and awareness about online gambling promotions' risks and legal consequences. Increasing public understanding of the seriousness of such offenses may decrease demand for such promotions.
4. **Technology Development:** The development of sophisticated online content monitoring technology can help automatically identify illegal or unlawful gambling

¹⁷ Lailatul Mustaqimah and Toetik Rahayuningsih, 'Gambling in the Perspective of Criminal Law Policy' (2023) 6 (1) *Media Iuris*, 123 <<https://doi.org/10.20473/mi.v6i1.32975>>.

promotions.

5. Consistent Law Enforcement: Consistent and firm law enforcement against online gambling promotion violations is important to create a deterrent effect. Carry out the legal action fairly and transparently to emphasize that there is no tolerance for such violations.

Law enforcement in cases of online gambling promoters or endorsements is a complex challenge but can be overcome with the right steps.¹⁸ Through the joint efforts of strengthening strict regulations, fostering close collaboration between government and industry, launching initiatives to increase public awareness about the risks involved, innovating technology for more effective monitoring of online content, and ensuring consistent and fair law enforcement, we have the opportunity to optimize enforcement of this law. In this way, we can significantly reduce the risk of abuse and legal violations related to the promotion or endorsement of online gambling, creating a safer and more responsible digital environment for all stakeholders.

Strategies for Identifying and Taking Legal Action Against Online Gambling Promoters or Endorsements, Particularly in the International Context: A Complex Challenge

It has been firmly regulated that the National Police of the Republic of Indonesia has state government functions and duties in maintaining security and public order, law enforcement, protection, and service to the community, as stated in Articles 2 and 13 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia (UU 2/2002).¹⁹ The police can play a role in handling gambling cases by arresting the perpetrators, both players and bookies and handing over the cases to the courts so that they can be punished by being charged with articles in criminal law that are closely related to crime prevention. Apart from prioritizing normative aspects, it is also necessary to understand social aspects in perfecting just legal and social policies.

¹⁸ Oktariani, Rizky, Sri Suatmiati and Muhammad Yahya Selma, 'Penegakan Hukum Dalam Pemberantasan Tindak Pidana Judi Online (Judi Slot) Di Kota Palembang' (2023) 8 (1) *Jurnal Hukum Doctrinal*, 128 <<https://jurnal.um-palembang.ac.id/doktrinal/article/view/6161>>.

¹⁹ Ryanto Ulil Anshar and Joko Setiyono, 'Tugas dan Fungsi Polisi Sebagai Penegak Hukum dalam Perspektif Pancasila' (2020) 2 (3) *Jurnal Pembangunan Hukum Indonesia*, 361-362 <<https://doi.org/10.14710/jphi.v2i3.359-372>>.

In dealing with criminal gambling acts and enforcing the law, POLRI needs to progressively and aggressively carry out eradication, determine concrete strategic policies to enforce the law, and provide education and advocacy to perpetrators and the community at large.

Handling criminal acts of online gambling endorsement in Indonesia involves preventive (prevention) and repressive (enforcement) law enforcement efforts. The explanation regarding the implementation of these two efforts by the government and legal apparatus is as follows:

1. Preventive Efforts

Outreach and Education: The government and legal authorities, through their outreach and education efforts, have significantly reduced the instances of online gambling. This is done through various media, including television, radio, internet, and social media. Anti-gambling campaigns are also implemented in schools and communities, leading to a noticeable increase in awareness among youth and the general public.

Blocking Online Gambling Sites: The Ministry of Communication and Information (Kominfo) actively blocks online gambling sites. Kominfo works with internet service providers to ensure that access to these sites is stopped. This blocking also involves filtering and content monitoring technology to detect and close new sites that appear.

Global Reach, Global Response: Recognizing that many online gambling sites are based overseas, the Indonesian government is engaged in a global effort. We collaborate with other nations, exchanging information and conducting joint operations to effectively halt online gambling servers located abroad.

2. Repressive Efforts

Law Enforcement: Law enforcement officials such as the Indonesian National Police (Polri) and the Criminal Investigation Agency (Bareskrim) are actively investigating and arresting individuals or groups involved in online gambling, including celebrity or celebrity endorsement. Law enforcement also includes the process of

investigation, prosecution, and trial for the perpetrators of these criminal acts.²⁰

Cyber Patrol Operations: The National Police and cybercrime units conduct cyber patrols to monitor online gambling activities. They use advanced technology to track and identify perpetrators operating in cyberspace. These operations often involve raids and arrests of online gambling site operators and their agents in Indonesia.

Legal Sanctions: Online gambling endorsers are subject to criminal sanctions following applicable laws, such as the Information and Electronic Transactions Law (UU ITE) and the Criminal Code. This sanction can be a prison sentence, a fine, or both. Apart from criminal sanctions, there are administrative sanctions such as revocation of business permits for companies involved or promoting online gambling. Then, bank accounts used for transactions related to online gambling promotions will also be blocked, and assets suspected to be the result of this illegal activity will be confiscated.

A clear example of repressive efforts is the arrest of several celebrities who endorsed online gambling. For example, in 2023, several social media influencers were arrested for promoting online gambling sites, and they were subject to criminal sanctions and heavy fines.²¹ The government and legal authorities in Indonesia have carried out various preventive and repressive efforts to deal with criminal acts of online gambling endorsements. Through socialization, site blocking, international cooperation, law enforcement, cyber patrol operations, and legal sanctions, they are trying to reduce and stop this illegal activity to protect society from the negative impacts of online gambling.

In its implementation, the National Police also has discretionary authority, which allows the police to 'act' or 'not act' regarding a criminal incident before them. This diversity of inconsistencies in law enforcement can affect the accountability of the front

²⁰ Reza Wahyudi and Achmad Sulchan, 'Penegakan Hukum Tindak Pidana Perjudian Online Yang Di Lakukan Oleh Anak (Studi Studi Kasus Polrestabes Semarang)' (2023) 18 Jurnal Ilmiah Sultan Agung, 2023, 605 <<https://jurnal.unissula.ac.id/index.php/JIMU/article/view/31332>>.

²¹ Ahadi Fajrin Prasetya and Astri Rahayu, 'Penegakan Hukum Terhadap Perjudian Online Berdasarkan Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik' (2023) 8.1 *Justicia Sains: Jurnal Ilmu Hukum*, 14-27 <<https://doi.org/10.24967/jcs.v8i1.2272>>.

guard of law enforcement in Indonesia.²² The discretion in question is regulated in Article 15 Paragraph (2) letter k in conjunction with Article 16 Paragraph (1) letter 1 Law 2/2002: "To carry out duties in the field of criminal proceedings, the National Police has the authority to carry out other actions in the form of inquiries and investigations which are carried out as follows:

- a. Does not conflict with any legal regulations;
- b. In line with the legal obligations that require the action to be carried out;
- c. Must be appropriate, reasonable, and included in the scope of the position;
- d. Reasonable consideration based on compelling circumstances; and
- e. Respect human rights."

In practice, it is often known that public figures promote gambling, which should put aside certain professions and people; if they have supported and participated in promoting gambling, then it is enough to fulfil the criminal elements to be subject to criminal sanctions under the applicable provisions. For this reason, the authority of members of the National Police to carry out other actions according to law must be accountable, and this is based on Article 5 Paragraph (1) letter number 4 of Law Number 8 of 1981 concerning Criminal Procedure Law, provided that it does not conflict with legal regulations and that there is appropriate consideration based on compelling circumstances - *Lex rejicit superflua, pugnantia, incongrua*.

Identification and legal action against online gambling promoters or endorsers require a comprehensive and coordinated approach, especially considering the complexity and challenges that arise in the international context. Endorsement of online gambling abroad is a complex phenomenon with various legal, social, and ethical implications. While these endorsements can provide financial benefits for celebrities and influencers, as well as increase the visibility of gambling platforms, it is important to consider the possible negative impacts, especially related to the problem of gambling addiction and regulatory violations. One famous example is Cristiano Ronaldo's collaboration with the PokerStars gambling site. As one of the most famous football players in the world,

²² Eka Padmahantara Antonius and Asvini Puspa, 'Standar Ganda Penyidik Dalam Menerapkan Diskresi Bagi Pelaku Tindak Pidana Pornografi di Internet' (2021) 5 (1) Jurnal Legislatif, 69 <<https://journal.unhas.ac.id/index.php/jhl/article/view/13839>>.

Ronaldo's endorsement helps PokerStars increase their popularity globally.

Countries and social media platforms must work together to ensure gambling promotions are conducted responsibly and comply with applicable laws.²³ Here are some strategies that can be implemented effectively:

1. International Cooperation

a. Law Enforcement Cooperation

Cooperation between law enforcement agencies in various countries is essential to deal with crimes that cross national borders. Organizations such as Interpol and Europol play a key role in facilitating the exchange of information and coordination of law enforcement operations. Countries can establish joint investigative teams to investigate and prosecute perpetrators in multiple jurisdictions.

b. Extradition Treaty

Countries need to strengthen extradition treaties that allow the arrest and transfer of perpetrators to a country where they will be tried. This agreement should cover crimes related to online gambling and illegal promotion, ensuring that perpetrators cannot avoid punishment by moving between countries.

2. Technology and Data Analysis

a. Online Monitoring

It is essential to utilize advanced technology to monitor online activity. Smart algorithms and artificial intelligence can detect patterns that indicate the promotion or endorsement of illegal gambling. Real-time monitoring of social media, online forums, and websites can help identify suspicious activity.

b. Financial Transaction Tracking

Financial transaction analysis is an important tool in tracking the flow of funds associated with illegal gambling. Cooperation with financial institutions and cryptocurrency platforms is necessary to identify suspicious transactions. Blockchain technology can also track cryptocurrency transactions, often used in

²³ Muhammad Yulianto and Titiek Guntari, 'Penegakan Hukum Terhadap Tindak Pidana Perjudian Online Ditinjau Dari Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik' (2022) 6 (2) Jurnal Kewarganegaraan, 3286 <<https://journal.upy.ac.id/index.php/pkn/article/view/3334>>.

online gambling.

3. Regulations and Policies

a. Tightening Regulations

The government needs to adopt stricter regulations on the promotion of online gambling. This includes imposing heavy sanctions on perpetrators proven to have committed violations. Clear and firm regulations will provide a strong legal basis for acting against perpetrators.

b. Social Media Monitoring

Social media platforms should be required to comply with strict rules regarding gambling promotions. Governments and platforms must work together to develop effective reporting mechanisms and strengthen moderation measures against content violating the rules.

4. Education and Public Awareness

a. Awareness Campaign

It is very important to raise public awareness about the dangers and legal consequences of online gambling through educational campaigns. These campaigns can be carried out through various media, including television, radio, the internet, and social media.

b. Law Enforcement Training

Law enforcers need special training to recognize and act on cases of online gambling promotion. This training should include understanding the latest technologies, digital investigative methods, and international cooperation.

5. Legal and Enforcement Action

a. Strong Prosecution

Collecting and utilizing digital evidence is very important to support cases in court. Evidence obtained through online monitoring and data analysis can provide a strong basis for prosecution. Law enforcement must work with digital forensics experts to ensure that the evidence collected is admissible in court.

b. License Revocation and Fines

Platforms or individuals promoting online gambling should be subject to strict

sanctions, including revocation of operating licenses and large fines. These sanctions not only provide a deterrent effect but also reduce the financial incentives to engage in illegal activities.²⁴

Several practical examples that can be implemented in handling cases of online gambling endorsements include:

1. International Investigation Cases: Online gambling promoters operating in several countries can be arrested through cooperation between law enforcement agents in the country of origin and other affected countries. Examples of cases like this require close coordination and rapid exchange of information.
2. Use of Big Data: Big data can be utilized to monitor and analyze suspicious online activities. For example, the frequency of gambling promotions on social media or certain websites can be analyzed to detect patterns that point to illegal activity.
3. Public Education: Educational programs in schools and universities about the risks of online gambling can help reduce the number of people involved in this activity. Specialized training for cybersecurity personnel is also important to improve their ability to detect and act on online gambling activities.

Implementing these strategies can more effectively identify and pursue legal action against online gambling promoters or endorsers. This comprehensive and coordinated approach will help address challenges in a complex international context.

Conclusion

Various challenges related to law enforcement in cases of online gambling promoters or endorsements have been identified and explained in the background of the problem. The online gambling phenomenon, which is increasingly spreading and being aggressively promoted on various digital platforms, poses serious risks to society, especially children and teenagers. Negative impacts include major financial losses, conflict in relationships, and emotional stress from addiction. Concrete steps are needed to face these challenges, including strengthening regulations and cooperation

²⁴ R.A. Sulistyowati, *Fenomena Judi Online di Era Digital* (Deepublish 2022).

between the government, law enforcement agencies, and the online gambling industry. Strict regulations need to be implemented to monitor and control online gambling promotions, including content promoted by celebrities or influencers. A special supervisory body to monitor and take action against violations on digital platforms must also be formed and empowered. Apart from that, the need for education and public awareness about the dangers of online gambling also needs to be increased. To identify and take legal action against online gambling promoters or endorsers, especially in an international context, it is necessary to collaborate between countries to tackle these international operations. This includes exchanging information and joint operations to stop online gambling servers overseas. In addition, firm and consistent law enforcement, both at the national and international levels, needs to be implemented with severe sanctions for law violators.

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