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ANALYSIS OF THE CRIMINAL LIABILITY OF CELEBRITIES AS PERPETRATORS OF ONLINE GAMBLING PROMOTION THROUGH INSTAGRAM MEDIA
(Study of Decision Number 1156/Pid.Sus/PN. Tjk)

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Abstract

The development of social media, especially Instagram, is used not only as a means of communication, but also as a promotional medium, including the promotion of online gambling which is prohibited by law. This study aims to analyze the criminal liability of celebrities as perpetrators of online gambling promotion crimes through Instagram media. This study uses normative juridical approaches and empirical juridical approaches with data obtained through literature studies and interviews with investigators, prosecutors, legal advisors or defendants, and judges. The results of the study show that celebrities who deliberately promote online gambling through Instagram can be held criminally responsible for having met the elements of criminal acts in accordance with the provisions of laws and regulations. The judge's consideration is based on valid evidence, legal facts at trial, and circumstances that aggravate and mitigate the defendant. The judge's decision has reflected legal certainty, justice, and utility. Therefore, strict law enforcement and increased supervision of promotional activities on social media are needed to prevent similar criminal acts.

INTRODUCTION

Information technology develops in line with the development of human civilization on earth. The existence of information technology continues to evolve to meet human needs. The existence of information technology continues to evolve to meet human needs. Currently, information technology with the use of computers with the ability to communicate causes the world to be increasingly unlimited. Information technology is able to cross borders, any physical obstacles as it has been known so far, such as the boundaries of countries, islands, continents and oceans and even personal spaces can be penetrated so easily by the sophistication of information technology. (Hasaziduhu Molly, 2019)

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The development of information and communication technology in Indonesia such as the internet has developed rapidly. These developments have become a necessity in daily human life and humans can obtain various things easily and an infinite world (cyberspace). These developments certainly have a positive and even negative impact on its users. (Cahyono, 2023)

The emergence of cyberspace for humans as a new home to carry out activities that are usually carried out in daily life in an artificial way, also means providing a new space for humans to innovate in committing new crimes, namely cybercrime or often also referred to as cyber crime. Information technology is ultimately misused into a medium used to commit unlawful acts or crimes. One of the cybercrimes that has been rampant lately is online gambling. (Sukadi, 2011)

Gambling is a game where the player bets to choose one choice among several options where only one choice is correct and becomes the winner, the player who loses the bet will give his bet to the winner, the bet and the amount of the bet are determined before the match starts.3 While online gambling is a gambling game through electronic media with internet access as an intermediary.(Hasan et al., 2023)

Article 426 of the Criminal Code states that any person who without a license offers, provides, manages, or facilitates gambling, including making gambling a livelihood.(Mustaqilla et al., 2023)

The concept of betting games over the internet was first coined by Donald Davies, a British scientist and one of the inventors of packet switching technology that provides the basis for data transmission over the internet since December 1965. However, the real form of online gambling only emerged in the mid-1990s in the form of simple casino games and sports betting. (Sitanggang et al., 2023)

The emergence of online gambling in the community has made this game increasingly popular. This is motivated by the easy access to gamble which is currently no longer hindered by space and time, as well as the amount of information about gambling due to advertising or promotional activities carried out on various social media. Promotion is an activity to disseminate information about a product with the aim of attracting consumer interest. The existence of promotions can increase revenue from sales made by business actors. (Rafiqah & Rasyid, 2023)

This is also used by online gambling business actors to promote online gambling sites to the public either directly or through the help of influencers on social media.(Hutapea et al., 2022)

Online gambling site promotion activities by influencers on social media may be subject to criminal liability based on Article 45 paragraph (2) Jo Article 27 paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as the ITE Law), which regulates the prohibition for every person to deliberately and without the right to distribute and/or transmit and/or make accessible Information Electronic and/or Electronic Documents that have gambling content can be punished with a threat of criminal sanctions of imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah).

Online gambling site promotion activities are a form of social pathology (social disease). The promotion of online gambling sites will lead people to try and gamble which is a real threat or potential to social norms so that it can threaten the continuation of social order. Thus, the promotion of online gambling sites can be an obstacle to national

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development with a material-spiritual aspect and eliminate the humanitarian dimension and blunt innovative visions in technological development.

Online gambling site promotion activities are also available at KP Ciakong Lk II Campang Jaya District, Sukabumi District, Bandar Lampung City, on Wednesday, July 17, 2024 at approximately 23.30 WIB, witness ANANTA FACHOREL SETYAD, witness ABDUL AZIZ FADLY Bin FAHRUDIN and witness SARINING PANGESTUTI who is a Member of the Lampung Police Directorate of Criminal Investigations, while on duty at the office was informed by the Sub-Directorate V Cyber Office of the Lampung Police Directorate, that there is an Instagram account with a username _@adsftr15 post stories that contain elements of online gambling and are intended to invite other people who see it to register and play online gambling on the site https://www.instagram.com/adsftr15?igsh=MWNpcHowamx3NzM5MQ==

The defendant's actions together with the Witness ANDREAS YANUAR LIMASA ALS LIM as regulated and criminally threatened in Article 27 paragraph (2) Jo article 45 paragraph (3) of Republic Law Number 1 of 2024 concerning the 2nd amendment to Law Number 11 of 2008 concerning information and electronic transactions Jo Article 55 paragraph (1) 1 of the Criminal Code.

Based on the many cases that the author described above, the author is interested in conducting research to find out about law enforcement practices against children of the perpetrators of the crime of brawls. Therefore, the author wrote a study with the title Analysis of Criminal Liability of Celebgrams as Perpetrators of the Crime of Promoting Online Gambling Through Instagram Media (Study of Decision Number 1156/Pid.Sus/PN.Tjk)

RESEARCH METHODS

This research uses a type of legal research with a normative juridical approach and an empirical juridical approach. The normative juridical approach is carried out through the study of laws and regulations, court decisions, literature, and other legal materials related to the criminal act of promoting online gambling, while the empirical juridical approach is carried out to obtain primary data through interviews with law enforcement officials and related parties to find out the factors that cause the perpetrator to commit the crime and the implementation of law enforcement. The combination of these two approaches is used so that the research can provide a comprehensive analysis, both from normative aspects and empirical conditions in the field. (Hartono et al., 2024)

RESULTS AND DISCUSSION

a. Factors that cause perpetrators to commit criminal acts of promoting online gambling (Putuan Study Number 1156/Pid.Sus/2024/PN Tjk)

Based on the results of an interview conducted with Mrs. Eka Aftarini, S.H., M.H. as the Public Prosecutor at the Bandar Lampung District Attorney's Office, information was obtained that the crime of promoting online gambling is basically influenced by various interrelated factors, both economic, social, and information technology developments.

According to him, economic factors are one of the main reasons why someone is willing to become an online gambling promotion perpetrator. Many perpetrators are tempted by the rewards or commissions given by bookmakers or online gambling site managers. The marketing system implemented by online gambling networks generally

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provides profits based on the number of new users who are successfully registered through links or promotional accounts shared by the perpetrators. Unstable economic conditions and the desire to earn income quickly are the reasons that are often found in the investigation and trial process.

In addition to economic factors, the development of information technology and social media also provides a very large opportunity for perpetrators to commit these criminal acts. The ease of access to the internet, the use of various social media platforms, and the availability of online promotional features allow actors to disseminate information about online gambling sites widely, quickly, and at a relatively low cost. In fact, in some cases, perpetrators take advantage of social media accounts with a large number of followers to increase the effectiveness of promotions.

Furthermore, he explained that the low legal awareness of the public is also a factor that affects the occurrence of criminal acts promoting online gambling. Some perpetrators think that the activities they carry out are only limited to uploading links, sharing content, or advertising a site without realizing that the act has met the elements of a criminal act as stipulated in the provisions of laws and regulations. Lack of understanding of legal consequences causes perpetrators to consider online gambling promotion as a risk-free job.

According to Mrs. Eka Aftarini, S.H., M.H., there is also the influence of the social and social environment that encourages someone to be involved in online gambling promotion. Not a few perpetrators are recruited by friends, relatives, or certain parties who have joined the online gambling promotion network first. Recruitment is carried out through social media and instant messaging applications by offering easy jobs and lucrative income, thus attracting the interest of the public, especially among productive age.

He also added that the motive of obtaining profits without considering legal consequences is the dominant factor in the cases he handles. Actors generally know that these activities generate relatively large financial benefits compared to other jobs, so they continue to promote even though they understand the legal risks. An orientation to economic gain often overrides compliance with applicable legal provisions.

As the Public Prosecutor, he emphasized that in law enforcement practice, every case is processed based on evidence that shows the intentionality of the perpetrator in promoting online gambling. The prosecution was carried out not only to provide a deterrent effect to the perpetrators, but also as an effort to protect the public from the negative impact of online gambling that is increasingly widespread. Therefore, in addition to strict law enforcement, preventive efforts are also needed through legal education to the public, supervision of the use of digital media, and cooperation between law enforcement officials, the government, and digital platform operators to suppress the spread of online gambling promotion in Indonesia.

Based on the results of the interview, it can be concluded that the factors that cause a person to commit a criminal act promoting online gambling include economic factors, information technology advancements, low legal awareness, the influence of the social environment, and the encouragement to obtain financial benefits quickly. These factors are interrelated and are a concern in the law enforcement process against online gambling promotion perpetrators.

Based on the results of an interview conducted with Mrs. Eva Susiana, S.H., M.H. as a Judge at the Tanjung Karang District Court Class IA, information was obtained that

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the crime of promoting online gambling is a form of crime that develops along with the rapid advancement of information and communication technology. According to him, there are several factors that cause a person to commit the criminal act, which is generally a combination of internal factors and external factors.

According to Mrs. Eva Susiana, economic factors are still the most dominant factor. In various cases examined in court, perpetrators are generally motivated by the desire to earn additional income or profits quickly through the provision of commissions, bonuses, or rewards from online gambling site managers. The ease of obtaining profits without requiring large capital has caused some people to be interested in becoming a party that promotes online gambling sites or applications.

In addition, he explained that the development of information technology and social media provides a very wide space for perpetrators to promote gambling easily and quickly. Various digital platforms allow perpetrators to spread links, images, videos, and promotional content to the public in large numbers just through mobile phones. This convenience is one of the factors that accelerate the spread of online gambling promotions while increasing the number of actors involved.

Furthermore, Mrs. Eva Susiana said that low awareness and compliance with the law were also the cause of criminal acts promoting online gambling. Some perpetrators consider that promotional activities are only jobs as content creators or advertisers, so they do not realize that their actions have met the elements of a criminal act. The lack of understanding of the legal provisions regarding the prohibition of the dissemination of information related to gambling causes the perpetrator not to consider the legal consequences of his actions.

He also stated that the influence of the environment and associations has a considerable role in encouraging someone to be involved in online gambling promotion networks. Many perpetrators were initially introduced by friends, co-workers, or certain communities who had previously benefited from these activities. An environment that considers online gambling promotion as a lucrative job without paying attention to the legality aspect is a factor that influences a person to get involved.

According to him, lack of self-control and orientation to financial gain are also important factors. In the perspective of the judge, every perpetrator basically has the choice of obeying or breaking the law. However, when a person prioritizes economic gain over compliance with the law, the risk of committing a criminal act becomes greater. Therefore, the element of intentionality in promoting online gambling is one of the aspects that is carefully assessed in the evidentiary process at trial.

Mrs. Eva Susiana also emphasized that in examining and deciding the case, the judge not only considers the fulfillment of the elements of the criminal act based on valid evidence, but also pays attention to the factors behind the defendant's actions as part of juridical and non-juridical considerations in imposing a criminal sentence. These factors do not remove criminal liability, but can be considered in determining the severity of the sentence imposed according to the facts of the trial.

Based on the results of the interview, it can be concluded that according to Mrs. Eva Susiana, S.H., M.H. as a Judge at the Tanjung Karang District Court Class IA, the factors that cause the perpetrators to commit criminal acts promoting online gambling include economic factors, information technology advancements, low legal awareness, the influence of the social environment, and orientation to obtain financial benefits quickly. Therefore, efforts to counter this crime are not only carried out through strict law

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enforcement, but also through increasing public legal literacy, supervision of the digital space, and strengthening education about ethics and responsibility in the use of electronic media.

Based on the results of an interview conducted with Briptu Jemi Alpino as an Investigator at the Lampung Police Cyber Unit, information was obtained that the crime of promoting online gambling is generally motivated by economic motives supported by easy access to information technology. According to him, from the various cases handled by the Lampung Police Cyber Unit, most of the perpetrators of online gambling promotion do not play the role of bookmakers, but as parties who cooperate with site managers or agents to find and invite the public to join through various digital media.

Briptu Jemi Alpino explained that economic factors are the main factor that causes someone to be willing to promote online gambling. Actors are generally promised commissions, bonuses, or profit-sharing systems based on the number of new users who are successfully registered through the referral link or promotional code they distribute. The more people who are successfully invited to join and make a deposit, the greater the profit received by the perpetrator. The system makes many people tempted because it is considered to be able to make money in an easy and fast way without requiring large capital.

In addition to economic factors, he said that technological advances and the wide use of social media are supporting factors that facilitate online gambling promotion activities. The perpetrators use various social media platforms, instant messaging applications, and websites to spread gambling links to the public. In fact, in some cases, perpetrators use accounts with a large number of followers or work with influencers to increase the reach of promotions so that it is easier to attract potential players.

Regarding the question of whether there are tricks to influence someone to want to play online gambling, Briptu Jemi Alpino explained that based on the results of the investigation and disclosure of the case, online gambling networks do implement various marketing strategies designed to attract public interest. For example, they offer sign-up bonuses, deposit bonuses, cashback, big win promotions, and display testimonials or uploads that show as if many players have managed to make a profit in a short period of time. In addition, advertisements that feature luxury lifestyles, vehicles, and high-value items are also used to build the perception that online gambling is a quick way to get rich.

He added that online gambling networks also often take advantage of the psychological aspect of potential players. In the early stages, some players can get a certain amount of winnings. Based on the experience of handling cases, these conditions are often used to build confidence and encourage players to continue betting in the hope of making bigger profits. However, these early wins are not a guarantee that players will continue to win, but rather part of a marketing strategy that aims to keep players engaged to continue making deposits and playing.

According to Briptu Jemi Alpino, there is no trick or way that can guarantee someone will definitely win in online gambling. The entire game system is controlled by the operator or croupier through software whose outcome cannot be controlled by the player. Therefore, claims about the existence of certain formulas, patterns, applications, or methods that can guarantee a win are unreliable information and are often used as part of promotions to attract more victims. In practice, players actually suffer losses more often because the gambling system is designed to provide profits to the organizers.

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Furthermore, he explained that many people end up becoming victims because they are tempted by the promise of instant profits and lack of understanding of how online gambling works. This condition is exacerbated by the rampant promotion through social media which is attractively packaged so that it gives the impression that victory is easy to obtain. In fact, based on the results of the investigation, the majority of players suffered financial losses, even not a few who were then in debt due to continuing to make deposits to catch up with the defeats experienced.

Based on the results of the interview, it can be concluded that according to Briptu Jemi Alpino as an Investigator at the Lampung Police Cyber Unit, the main factor that causes someone to promote online gambling is the motive of obtaining economic benefits through the commission or bonus system provided by online gambling networks. On the other hand, the network uses various marketing strategies and psychological approaches to influence people to be interested in playing, such as offering bonuses, displaying winning testimonials, and building an image of ease of profit. However, in reality there is no way or trick that can guarantee victory in online gambling because the game system is completely controlled by the organizer, so in the end it is more profitable for the bookmaker than for the player.

Based on the results of interviews with Mrs. Eka Aftarini, S.H., M.H. as the Public Prosecutor at the Bandar Lampung District Attorney's Office, Mrs. Eva Susiana, S.H., M.H. as a Judge at the Tanjung Karang District Court Class IA, and Briptu Jemi Alpino as an Investigator at the Lampung Police Cyber Unit, it can be analyzed that the factor that causes a person to commit a criminal act promoting online gambling is a combination of internal factors of the perpetrator and external factors that develop due to technological advances information.

The three speakers have a relatively consistent view that economic motives are the dominant factor that encourages perpetrators to promote online gambling. Perpetrators are encouraged to get profits in the form of commissions, bonuses, or referral systems provided by online gambling operators. In addition, the ease of internet access, the development of social media, low public legal awareness, and the influence of the social environment are factors that strengthen the occurrence of these criminal acts.

The analysis is in line with Moeljatno's opinion which states that a criminal act is an act prohibited by the rule of law and the prohibition is accompanied by a criminal threat for anyone who violates it. According to Moeljatno, an act is not only seen from the fulfillment of legal elements, but must also pay attention to the factors behind a person's committing the act. Thus, although economic factors are the main drivers, these conditions do not eliminate the unlawful nature of the act of promoting online gambling because the perpetrator remains consciously committing actions that are prohibited by law.

b. Criminal Responsibility of Perpetrators of Criminal Acts of Promoting Online Gambling (Putuan Study Number 1156/Pid.Sus/2024/PN Tjk)

Based on the results of an interview with Mrs. Eka Aftarini, S.H., M.H. as the Public Prosecutor at the Bandar Lampung District Attorney's Office, regarding the criminal liability of the perpetrators of the crime of promoting online gambling in the Study of Decision Number 1156/Pid.Sus/2024/PN Tjk, information was obtained that criminal liability against the defendant was based on the fulfillment of all elements of the

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criminal act as charged and the existence of valid evidence in accordance with the provisions of the criminal procedure law.

According to him, in this case, the defendant Adies Fitri Nur Arofah Binti Agus was considered to have committed acts consciously and of his own volition in promoting online gambling through electronic media. Based on the facts revealed at the trial, the defendant not only knew that the content disseminated was a promotion of online gambling, but also actively disseminated the information through digital media so that it could be accessed by the public. These acts fulfill the element of intentionality (dolus) which is the basis for criminal liability.

Mrs. Eka Aftarini explained that in compiling the letter of demand, the Public Prosecutor was guided by the results of the investigation, evidence submitted at the trial, witness statements, defendants' statements, evidence, and legal facts revealed during the examination process. From all of the evidence, it is believed that the defendant is legally and convincingly proven to have committed the criminal act as charged, so it is appropriate to be held criminally responsible.

He further explained that criminal liability is not only based on the existence of unlawful acts, but also on the defendant's ability to account for his actions. During the trial process, there was no justification or excuse that could remove the unlawful nature or erase the guilt of the defendant. The defendant is also in a physical and spiritual health condition and is able to understand the consequences of his actions when promoting online gambling. Therefore, the defendant is considered qualified as a legal subject who can be held criminally responsible.

According to him, the criminal charges filed by the Public Prosecutor have considered various aspects, both juridical and non-juridical aspects. From the juridical aspect, the prosecution is based on the fulfillment of the elements of the criminal act in accordance with the provisions of laws and regulations and supported by valid evidence. Meanwhile, from a non-juridical aspect, the prosecutor also considered the impact caused by the defendant's actions on society. Online gambling promotion is considered to be able to expand the spread of gambling practices, influence people to participate in online gambling, and have the potential to cause economic losses and wider social impacts.

In connection with this, the Public Prosecutor demanded that the defendant Adies Fitri Nur Arofah Binti Agus be sentenced to 4 (four) years in prison, minus the entire period of temporary detention that the defendant had served with an order that the defendant remain in custody. In addition, the prosecutor also demanded that the defendant be sentenced to a fine of Rp5,000,000.00 (five million rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for 3 (three) months.

Mrs. Eka Aftarini explained that the criminal charges were filed by considering the principle of proportionality between the level of guilt of the defendant, the consequences caused by his actions, and the purpose of the crime. According to him, the criminalization in online gambling cases does not solely aim to provide suffering to the perpetrators, but also to provide a deterrent effect, prevent people from committing similar crimes, and provide protection for the public from the increasing prevalence of online gambling practices through electronic media.

He also added that the development of digital technology requires law enforcement officials to be more responsive in dealing with cybercrimes, including the crime of promoting online gambling. Therefore, law enforcement must be carried out consistently in order to provide legal certainty while showing that anyone who

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deliberately uses electronic media to promote gambling will be held criminally liable in accordance with the provisions of applicable law.

Based on the results of the interview, it can be concluded that according to Mrs. Eka Aftarini, S.H., M.H. as the Public Prosecutor at the Bandar Lampung District Attorney's Office, criminal liability against the defendant Adies Fitri Nur Arofah Binti Agus is based on the fulfillment of all elements of the criminal act, the existence of intentionality in promoting online gambling, the absence of a justification or a forgiving reason, and the existence of valid evidence that proves the guilt of the defendant. On the basis of these considerations, the Public Prosecutor charged the defendant with a prison sentence of 4 (four) years, minus the period of temporary detention, continued detention, and a fine of Rp5,000,000.00 (five million rupiah) subsidy for 3 (three) months of confinement, as a form of criminal responsibility as well as an effort to provide a deterrent effect and protection to the public from the negative impact of online gambling.

Based on the results of an interview with Mrs. Eva Susiana, S.H., M.H. as a Judge at the Tanjung Karang District Court Class IA, regarding the criminal liability of the perpetrators of the crime of promoting online gambling in Decision Number 1156/Pid.Sus/2024/PN Tjk, information was obtained that the criminal imposition of the defendant was carried out based on the legal facts revealed at the trial, valid evidence as stipulated in the Criminal Procedure Code (KUHAP), and the judge's conviction after assessing the entire series of evidence.

According to him, in the case, the defendant Adies Fitri Nur Arofah binti Agus was legally and convincingly proven to have committed the crime of promoting online gambling through electronic media. The evidence is based on the existence of witness statements, defendant statements, electronic evidence, and other evidence that are in accordance with each other so that they meet the provisions of proof in the criminal procedure law. Based on these facts, the judge concluded that the defendant had committed the act deliberately and understood the legal consequences of his actions, so that the defendant could be held criminally responsible.

Mrs. Eva Susiana explained that in passing the verdict, the panel of judges not only considered the fulfillment of the elements of the criminal act as stipulated in the provisions of laws and regulations, but also paid attention to aspects of justice, legal certainty, and legal utility. These three aspects must run in a balanced manner so that the verdict handed down not only provides legal certainty for the parties, but also reflects a sense of justice and provides benefits to the community.

He explained that the judge also considered incriminating matters and mitigating matters for the defendant. The incriminating matter includes that the defendant's actions have supported the development of online gambling practices that have a negative impact on society, especially because the promotions carried out can attract more people to gamble through electronic media. On the other hand, the judge also pays attention to the defendant's personal circumstances, the defendant's attitude during the trial, and other factors revealed at the trial as mitigating circumstances as long as they meet legal considerations.

According to him, the difference between the Public Prosecutor's demands and the judge's decision is a natural thing in the criminal justice system. Judges have independence in examining, adjudicating, and deciding cases based on the facts of the trial, valid evidence, and their beliefs as mandated by law. Therefore, the judge is not bound to always follow the criminal charges filed by the Public Prosecutor, but can

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impose the crime that is considered most appropriate and proportionate based on all legal facts that have been proven at trial.

Based on these considerations, the Panel of Judges handed down a verdict against the defendant Adies Fitri Nur Arofah binti Agus with a prison sentence of 2 (two) years and 10 (ten) months. In addition to the prison sentence, the defendant was also sentenced to a fine of Rp250,000,000.00 (two hundred and fifty million rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for 2 (two) months.

Mrs. Eva Susiana explained that criminal fines in cases related to criminal acts using electronic media have an important function as part of criminal responsibility, considering that the crime not only causes social harm, but is also related to the motive of obtaining economic gain. With the existence of a fine, it is hoped that the perpetrator will no longer benefit from the criminal act committed and provide a deterrent effect for the perpetrator and the public who intend to commit similar acts.

He also emphasized that the purpose of criminalization in the case of online gambling promotion is not solely to punish the perpetrator, but also as a form of protection for the community from the growing practice of information technology-based gambling. Consistent law enforcement is expected to provide a preventive effect so that the public increasingly understands that any form of involvement in promoting online gambling is a prohibited act and can be punished in accordance with the applicable legal provisions.

Based on the results of the interview, it can be concluded that according to Mrs. Eva Susiana, S.H., M.H. as the Judge at the Tanjung Karang District Court Class IA, criminal liability against the defendant Adies Fitri Nur Arofah binti Agus is based on the fulfillment of the elements of the criminal act, the existence of errors in the form of intentionality, and the absence of a reason that can eliminate criminal liability. In passing the verdict, the judge considered juridical and non-juridical aspects, including the circumstances that aggravated and mitigated the defendant, so as to impose a prison sentence of 2 (two) years and 10 (ten) months and a fine of Rp250,000,000.00 (two hundred and fifty million rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for 2 (two) months. The verdict is seen as reflecting the balance between legal certainty, justice, and usefulness in law enforcement against the crime of promoting online gambling.

Based on the analysis using the theory of judges' considerations according to Ahmad Rifai, it can be concluded that Decision Number 1156/Pid.Sus/2024/PN Tjk has fulfilled the three main aspects of judges' considerations, namely juridical, philosophical, and sociological considerations.

Juridically, the judge handed down the verdict after assessing that all elements of the criminal act of promoting online gambling had been proven based on valid evidence, trial facts, and the absence of a justification or excuse that removed the defendant's criminal liability. This is the basis for the judge to declare the defendant guilty and impose a criminal sentence.

Philosophically, imprisonment for 2 (two) years and 10 (ten) months and a fine of Rp250,000,000.00 subsidy for 2 (two) months of imprisonment reflect the purpose of the penalty, which is to provide a deterrent effect to the defendant, prevent the recurrence of similar crimes, and provide protection to the public from the negative impact of online gambling.

Sociologically, the judge considered the broad impact caused by the promotion of online gambling on society, while paying attention to the defendant's personal

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circumstances and mitigating and aggravating factors. These considerations show that judges try to create a balance between the interests of the perpetrator, the victim in a broad sense (society), and the interests of law enforcement.

Thus, according to Ahmad Rifai's theory, the judge's consideration in imposing a verdict against the defendant Adies Fitri Nur Arofah binti Agus has reflected the application of comprehensive legal considerations principles. The verdict not only provides legal certainty through the application of criminal norms, but also realizes proportional justice to the defendant's level of guilt and legal benefits through community protection and prevention of the development of online gambling promotion crimes.

CONCLUSION

Economic factors are the main cause of perpetrators committing criminal acts promoting online gambling with the aim of obtaining commissions, bonuses, or profits from online gambling providers. In addition, the ease of internet access, the development of social media, low legal awareness, and the influence of the social environment are also factors that encourage the occurrence of these crimes. This analysis is in line with Moeljatno's theory which states that criminal acts are acts that are prohibited by law and threatened with criminal penalties, where the factors behind the perpetrator committing the act need to be understood as the cause of the crime, but it does not remove the unlawful nature or criminal responsibility of the perpetrator for his actions.

The judge's consideration in passing the verdict against the defendant Adies Fitri Nur Arofah binti Agus has reflected the application of comprehensive legal considerations principles. The verdict not only provides legal certainty through the application of criminal norms, but also realizes proportional justice to the defendant's level of guilt and legal benefits through community protection and prevention of the development of online gambling promotion crimes.

It is recommended that the government, law enforcement officials, and digital platform operators increase efforts to prevent and counter criminal acts of online gambling promotion through strengthening supervision of digital content, firm and consistent law enforcement, and increasing legal literacy and digital literacy to the public. In addition, continuous cooperation is needed between the police, prosecutor's office, relevant ministries, and social media service providers to cut off access to online gambling promotion and reduce the factors that encourage people to commit these crimes, especially economic factors, so that it is expected to be able to provide a deterrent effect to perpetrators and reduce the number of online gambling crimes in Indonesia.

BIBLIOGRAPHY

Cahyono, R. (2023). PERLINDUNGAN HUKUM TERHADAP HAK MANTAN NARAPIDANA. *Justness : Jurnal Hukum Politik Dan Agama*, *3*(1). https://doi.org/10.61974/justness.v3i1.39

Hartono, B., Aprinisa, A., & Mahendra, P. U. (2024). Implementasi Uang Pengganti Terhadap Pelaku Tindak Pidana Korupsi (Studi Putusan Nomor: 15/Pid.Sus-TPK/2023/PN Tjk). *SAKOLA: Journal of Sains Cooperative Learning and Law*, *1*(2), 938–960. https://doi.org/10.57235/sakola.v1i2.3556

Hasan, Z., Apriano, I. D., Simatupang, Y. S., & Muntari, A. (2023). Penegakan hukum terhadap pelaku tindak pidana perjudian online. *Jurnal Multidisiplin Dehasen (MUDE)*, *2*(3), 375–380.

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Hasaziduhu Moho. (2019). PENEGAKAN HUKUM DI INDONESIA MENURUT ASPEK KEPASTIAN HUKUM, KEADILAN DAN KEMANFAATAN. *Jurnal Warta Dharmawangsa*, *13*(1).

Hutapea, N. M. S., Sitinjak, H., Damanik, J., Sitinjak, I. Y., & Simbolon, T. O. (2022). Aspek Hukum Tindak Pidana Perjudian Dalam Hal Memberi Kesempatan Untuk Melakukan Permainan Judi (Studi kasus PUTUSAN No. 44/Pid. B/2021/PN Pms). *Jurnal Moralita: Jurnal Pendidikan Pancasila Dan Kewarganegaraan*, *3*(1), 24–37.

Mustaqilla, S., Sarah, S., Salsabila, E. Z., & Fadhilla, A. (2023). Analisis maraknya warga miskin yang kecanduan judi online di Indonesia. *Glossary: Jurnal Ekonomi Syariah*, *1*(2), 121–136.

Rafiqah, L., & Rasyid, H. (2023). The Dampak Judi Online terhadap Kehidupan Sosial Ekonomi Masyarakat. *Al-Mutharahah: Jurnal Penelitian Dan Kajian Sosial Keagamaan*, *20*(2), 282–290.

Sitanggang, A. S., Sabta, R., & Hasiolan, F. Y. (2023). Perkembangan Judi Online Dan Dampaknya Terhadap Masyarakat: Tinjauan Multidisipliner. *Triwikrama: Jurnal Ilmu Sosial*, *1*(6), 70–80.

Sukadi, I. (2011). Matinya Hukum Dalam Proses Penegakan Hukum Di Indonesia (The Powerless of Law in the Process of Law Enforcement in Indonesia). In *Risalah Hukum* (Vol. 7, Number 1).

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