



International Journal of New Approaches to Law and Rationality in
Nationhood, Governance, and Rights Advocacy

Nalarnagara Journal

Vol. 1, No. 1, January 2026 pp. 187-195

Journal Page is available at <https://internationaljournal.lppmunsaka.ac.id/index.php/nalarnagara>



LEGAL CHALLENGES AND SOLUTIONS IN REGULATING ONLINE GAMBLING IN THE DIGITAL AGE

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Abstract

Online gambling is a form of information technology-based crime that continues to experience significant growth in line with the development of digital transformation in Indonesia. Unstable socio-economic conditions and easy access to the internet have caused online gambling to reach vulnerable age groups, including children and adolescents, increasingly. Although it is regulated in Article 303 bis of the Criminal Code and Article 27 paragraph (2) of Law Number 1 of 2024 concerning Electronic Information and Transactions, the implementation of law enforcement still faces serious challenges. This journal raises the question of what challenges law enforcement faces in eradicating online gambling and what comprehensive legal solutions can be implemented. This study uses an empirical legal approach with data collection through literature review and interviews, analyzed using descriptive qualitative methods. The study results show that obstacles to law enforcement include limited human resources, weak coordination between institutions, suboptimal use of digital technology, and a lack of public legal awareness. In addition, the ever-evolving methods used by perpetrators, the use of foreign servers, and illegal digital transactions further complicate the enforcement process. The study concludes that repressive measures alone are insufficient; legal reform, institutional capacity building, and public legal education are also necessary. The study recommends the formation of a cross-sector task force and developing an artificial intelligence-based digital surveillance system to quickly and accurately detect, block, and crack down on online gambling.

Keywords: Online gambling, Law enforcement, Legal challenges, Legal solutions, Cybercrime.

INTRODUCTION

Online gambling is betting money or other valuable items in a game whose outcome depends solely on luck and digital system deception, which is carried out online through electronic media such as websites, applications, social media, or other internet-based communication tools. Amidst a national economic slowdown compared to the previous period (BPS, 2025), there has been a significant decline in people's purchasing power. This condition has directly impacted increasing unemployment rates and reduced access to decent jobs. People, especially those from the lower-middle class, are driven to seek alternative primary or additional income sources without requiring adequate capital or knowledge. One form of alternative income that is often chosen by the public in conditions of economic distress is gambling. Gambling is a means of obtaining instant income with relatively small capital without requiring special skills. The lure of large winnings triggers compulsive gambling behavior. Various forms of gambling have developed in Indonesia, including slot machines, cockfighting, card gambling, and number gambling (togel).

The method used by perpetrators or gambling organizers (bookies) is to give players (gamblers) false wins in the early stages to players (gamblers), to create addiction and false hopes of continued wins. This dependence causes players to continuously gamble with increasingly large bets without realizing it, until they experience significant economic losses. (DR. DARMAWATI H., S.Ag., 2022). In the modern era, with the development of information and communication technology, gambling activities have also transformed into a digital form, known as online gambling. The use of digital systems allows gambling operators

to run games automatically, manipulatively, and covertly. Computerized systems that operators can control create the effect of false wins, reinforcing players' psychological dependence. Online gambling can be done anywhere and anytime. Technological advances have made it easier to access gambling through electronic devices, and the availability of various digital payment methods. Weak parental supervision of electronic device use and a lack of digital literacy are the main factors that facilitate the penetration of online gambling among vulnerable age groups. In the past, gambling was legalized in some regions of Indonesia, particularly in the province of DKI Jakarta during the administration of Governor Ali Sadikin (1966–1977). However, this legalization was controversial because it conflicted with religious values, particularly Islamic law, which explicitly prohibits gambling in any form.

In the national legal system, gambling is a prohibited act and is punishable by law. One of the legal provisions found in Article 303 bis of the Criminal Code concerning criminal acts of gambling and Article 27 paragraph (2) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), which explicitly prohibits the dissemination and organization of gambling content. The practice of online gambling has serious consequences not only in economic terms but also psychologically for the individuals involved. Those who become entangled in this practice will experience addiction and be constantly driven to place bets in the hope of winning big, as promised by the organizers or based on the narrative experiences of others.

Despite the existence of regulations and positive legal norms governing the prohibition and sanctions against online gambling, the reality on the ground shows a significant increase in cases. This shows a gap between legal norms (*ius constitutum*) and social reality (*das sein*). Law enforcement is still ineffective in curbing online gambling, especially among minors (children and adolescents). Therefore, a more comprehensive approach is needed regarding legislation, education, supervision technology, and sanctions, including strict administrative and criminal penalties. Based on these considerations, the author is interested in further examining the phenomenon of online gambling in Indonesia, in order to contribute to future knowledge.

Based on the above background, the research questions of this study are the primary keys that provide direction for the research objectives, namely:

1. What challenges do law enforcement officials face in regulating online gambling?
2. What are the legal solutions for regulating online gambling?

This paper is an empirical legal study using primary and secondary data. This study provides an overview of how the law on online gambling, which is a concern for the community, is enforced. The author conducted structured interviews with law enforcement officials, namely the Police. In addition, legislation, law books, and journals were used as secondary data to support this research. This empirical legal research allows the author to utilize the findings of legal science and other sciences for analysis. This research aims to conduct a theoretical and normative review of the legal provisions governing online gambling cases in Indonesia in this context.

This study's legal sources consist of primary and secondary legal materials, including Law Number 1 of 2023 concerning the Criminal Code (KUHP) and Law Number 1 of 2024 concerning Electronic Information and Transactions. Secondary legal materials are essential in this study because they can provide a broader academic framework and enrich the author's perspective. The author collected the legal materials through literature study and by searching through legal documents, reference books, scientific articles, and other academic publications. Legal materials were collected from primary and secondary sources, namely books, journals, relevant literature, previous research, expert opinions, and interviews, as additional references

related to the research title. Conducting a literature study, starting from carefully reading journals related to the discussion and then finding important points that are ultimately analyzed to form a series of organized sentences, helps the author carry out research based on the legal norms that apply in society.

The search for legal materials was conducted through various methods, such as reading printed documents, accessing digital sources, viewing and analyzing visual data, and listening to the views of experts from various media. In today's digital age, searching for legal information is also conducted mainly via the internet, which has become an additional source for obtaining the latest legal data and literature. This technique was used to support the analysis of the extent to which legal regulations in Indonesia can provide adequate protection to victims of online gambling.

The analysis was conducted using empirical qualitative methods by systematically interpreting the contents of legal regulations and related documents. This analysis aimed to answer research questions regarding the effectiveness of legal challenges and solutions regulating online gambling in the digital era.

DISCUSSION

1. Challenges faced by law enforcement in regulating online gambling

Enforcing online gambling criminal offenses is a complex task. Normatively, gambling is prohibited by Article 303 bis of the Criminal Code (KUHP) on criminal acts of gambling, which threatens gamblers with a maximum imprisonment of four years, and Article 27 paragraph (2) of Law Number 1 of 2024 concerning electronic information and transactions (ITE Law), with a criminal penalty of up to six years' imprisonment. Article 303 bis of the KUHP criminalizes perpetrators who participate in or engage in gambling as a business directly. Article 27, paragraph (2) of the ITE Law criminalizes parties who intentionally distribute or make gambling content accessible through electronic media. Thus, the Criminal Code focuses on gambling, while the ITE Law focuses on disseminating gambling content in the digital realm.

Furthermore, in the jurisdiction of the East Jakarta Metro Police, the trend of online gambling cases is quite alarming. The Head of Criminal Investigation at the East Jakarta Metro Police explained that in February 2024, his team arrested ten suspects from an international online gambling network in Matraman, East Jakarta, with a turnover of hundreds of millions of rupiah per day. The perpetrators operated in Matraman, and three of them were arrested while attempting to flee to Malaysia. The investigation revealed that this syndicate was connected to bosses overseas. At the East Jakarta Metro Police level, these facts illustrate the burden and intensity of the problems local investigators face. (Novali Panji Nugroho, 2024).

The challenges faced by law enforcement are:

a. Structural and Resource Challenges

At the structural level, the Jakarta Timur Metro Police Department faces human resources and equipment limitations. Although East Jakarta police has a General Criminal Investigation Unit (Reskrim) and a cyber unit, the number of personnel who are truly trained in Cybercrime is still limited. According to the Head of the Criminal Investigation Unit of the East Jakarta Metro Police, the limited technological equipment available to handle online gambling cases is a real obstacle for the local Police. This means that computer forensic laboratories, tracking devices, or advanced IT support are often inadequate for processing electronic evidence quickly. Budget constraints and personnel placement priorities are also structural factors that hinder progress. For example, personnel from the Criminal Investigation Unit at the East Jakarta Police Station handle online gambling and various other general crimes. This often results in online gambling cases not receiving full attention, especially if

there is no significant direct material loss. Moving forward, strengthening police personnel who are proficient in digital forensics and adding cyber investigation tools are essential to reach online gambling perpetrators.

b. Technical and Digital Challenges

Technically, online gambling crimes often employ *modus operandi* that are difficult to trace. Perpetrators use advanced technology to hide their identities and electronic traces. For example, Gambling site providers or promoters can operate anonymously through social media accounts, websites with foreign domains, and encrypted messaging apps such as WhatsApp. According to the head of criminal investigation at the East Jakarta Metro Police, the suspects used Facebook groups to promote themselves and then conducted transactions via WhatsApp. The Head of Criminal Investigation at the East Jakarta Metro Police added that gambling messages via WhatsApp constitute a significant challenge because the content is private. At the same time, surveillance capabilities are limited to public content. As a result, online gambling offers through personal messages are difficult to prosecute without active reports from the public. The *modus operandi* also continues to change. Perpetrators often change the names of gambling applications or websites to avoid blocking and take advantage of servers abroad. According to the Head of the East Jakarta Metro Police, several online gambling networks, such as those in China and Cambodia, are controlled from abroad, with small deposit schemes so that all groups can easily join. This complicates law enforcement because the East Jakarta Metro Police must cooperate with foreign authorities whose rules are different, and this is beyond the authority of the East Jakarta Metro Police. In addition, the financial management of online gambling cases is decentralized and difficult to map. The absence of a central office or transfer account hinders efforts to track assets. All these technical factors make the enforcement of online gambling on the ground more complex compared to conventional gambling.

2. Challenges: Interagency Coordination, Inter-agency and Technical Regulation

Handling gambling online requires synergy between institutions. The National Police Chief has established an Online Gambling Eradication Desk involving 22 ministries or institutions, including the Ministry of Communication and Information Technology, the Financial Transaction Reports and Analysis Center, and the Attorney General's Office. This demonstrates the importance of technical collaboration in tracking financial transactions. At the regional level, the East Jakarta Police need to take advantage of this support. In addition to blocking efforts, Kominfo is also actively providing literacy to the public and explicitly supporting the Police in enforcing the law on online gambling content. However, in practice, this coordination requires a precise mechanism. For example, there are no technical regulatory standards governing the duties of officials in reporting to Kominfo or PPATK in cases of online gambling. As a result, reporting of suspicious content or accounts is often sporadic and reactive. When gambling is disseminated through foreign platforms or disguised in messaging services, officials rely on public complaints to close this technical regulatory gap. Implementing regulations that require global platforms to cooperate with Indonesian law enforcement and inter-agency coordination protocols actively is needed to speed up the investigation process. The challenges faced by law enforcement in combating online gambling are closely related to Hardjon's Theory of Legal Protection, which states that legal protection provides guarantees for the rights of citizens against arbitrary actions, including by legal institutions or bodies in the law enforcement process, and grants the right to protection from the lure of gambling operators. In this study, the theory of legal protection is used to analyze the extent to which regulations governing electronic transactions in Law Number 1 of 2024 concerning Information and Electronic Transactions protect the public from limiting and suppressing online gambling.

3. Legal solutions in regulating online gambling

In order to address the issue of limited trained digital forensic personnel and adequate information technology equipment, it is necessary to develop detailed legal steps based on the statement from the Head of the Jakarta Timur Metro Police Station in accordance with the design and planning of the National Police Chief, as follows:

a. Legal Solutions to Structural and Resource Challenges in order to strengthen

The ability of the East Jakarta Police to handle online gambling crimes requires the Indonesian National Police Chief to establish regulations that require every police station to have minimum standards of digital forensic personnel competence and to form a Cyber Rapid Response Unit at the police station and provincial police levels. These regulations must detail the mechanisms for the provision, maintenance, and replacement of computer forensic laboratories and electronic tracking devices, so that computer forensic laboratories are equipped with high-performance computers, packet sniffers, disk imagers, and decryption devices in accordance with international standards, as well as tracking devices such as IP tracers, GPS loggers, and network analyzers to map data flows. Thus, the East Jakarta Metro Police can effectively analyze electronic evidence and respond to cyber incidents promptly.

To ensure the continuity and quality of maintenance of digital forensic facilities, a monitoring mechanism involving the Metro Jaya Police's Professional and Security Division must be established, which is required to conduct operational and technical audits every six months. The results of these audits must be submitted in the form of a written report to the Chief of the Metro Jaya Regional Police and the Chief of the Indonesian National Police. Thus, there is accountability and transparency in using and developing digital forensic tools, so that weaknesses in equipment and personnel competencies can be immediately identified and corrected.

Furthermore, allocating a special budget for handling Cybercrime within the East Jakarta Police must be regulated through a Chief of Police Decree on Special Allocation Funds for Handling Cybercrime, which refers to Law Number 11 of 2008 concerning the State Revenue and Expenditure Budget. The budget is used, among other things, for the procurement and maintenance of digital forensic laboratories, the purchase of licenses for digital transaction analysis software and blockchain explorers, the operational costs of periodic training for personnel from the General Criminal Investigation Unit and the Cyber Unit, and reserve funds for technological innovations in cybercrime detection. The budget is disbursed quarterly through the National Police's e-budgeting mechanism, with accountability audited by the National Police's General Supervisory Inspectorate to ensure that funds are used for their intended purposes. Technical and educational partnerships with relevant institutions need to be established through a memorandum of understanding between the Indonesian National Police, the National Cyber and Crypto Agency, and universities that have digital forensics programs. Through this partnership, East Jakarta Police personnel can take study leave, borrow advanced equipment, and receive guidance from expert sources. Intensive digital forensics training programs and practical use of tracking and decryption devices must be held, and BSSN or accredited international institutions must issue competency certificates. In addition, applied research collaboration with campus laboratories and implementing pilot projects using artificial intelligence to identify online gambling transaction patterns will produce scientific guidelines for handling cases.

For the above policies to be integrated, it is necessary to make adjustments to the organization and internal work procedures of the East Jakarta Metro Police. Standard operating procedures for the seizure and processing of electronic evidence must be aligned with international forensic standards, including provisions on initial reporting, securing the scene, and the delivery of evidence to the forensic laboratory. With these adjustments, the Jakarta Timur Metro Police Department will have the structure, personnel, and work

procedures necessary to conduct investigations and resolve online gambling crimes more effectively and professionally.

b. Legal solutions to technical and digital challenges

Solutions for Handling Online Gambling Crimes within the Jurisdiction of the East Jakarta Metro Police. In overcoming the rapidly developing and complex technical and digital challenges of online gambling crimes, the East Jakarta Metro Police, as part of the regional law enforcement apparatus, has a strategic role in breaking the chain of these crimes, even though it is limited by national jurisdiction and authority. This crime no longer operates in its conventional form. However, it has undergone a significant digital transformation, posing serious technical and operational challenges, particularly in evidence-based digital law enforcement, cyber surveillance, and cross-border cooperation.

Online gambling crimes are often committed anonymously through social media, foreign websites, and encrypted messaging apps such as WhatsApp. Based on official information from the East Jakarta Police Criminal Investigation Unit Criminal Investigation Unit of the East Jakarta Metro Police, it is known that gambling sites are often promoted through closed Facebook groups. At the same time, transactions are conducted privately via WhatsApp messages. In this context, the main challenge lies in the limited authority to access and seize private content protected by privacy and digital communication laws and the lack of direct authority to conduct cross-border or cross-digital application investigations. However, within the limits of its authority, the East Jakarta Metro Police can take several strategic and technical steps. First, optimizing the cyber unit within the East Jakarta Metro Police is important as a center for analyzing and mapping perpetrators' digital patterns, even though limitations in forensic tools and human resources remain an obstacle. Through internal cooperation with the cybercrime team of the Jakarta Metro Police and the Criminal Investigation Unit of the National Police Headquarters, the Police can submit local findings for follow-up at a higher level. Strengthening this coordination is important because most online gambling networks are controlled from abroad, such as China and Cambodia, which are beyond the direct operational reach of the Police.

The Police do not have jurisdiction over servers outside the country or applications across. However, it can conduct investigative follow-ups on local nodes that act as promoters, recruiters, or operators within the jurisdiction of East Jakarta. This investigation can lead to local perpetrators promoting, transferring funds, or managing accounts through digital wallets or bank accounts. Although perpetrators often change the names of websites or applications periodically, tracing can be done by monitoring the flow of digital promotions, payment methods, and suspicious activities in the banking or electronic financial system. Digital literacy and active community involvement must strengthen a community-based preventive approach. Given the private nature of gambling messages via WhatsApp and other messaging applications, the success of enforcement depends heavily on public participation in reporting suspicious activities. Therefore, the East Jakarta Metro Police can develop massive education and legal advocacy programs, including opening anonymous and secure online reporting channels, to bridge the limitations of monitoring private content. Emphasizing education among teenagers, students, and urban communities will reduce the potential for recruiting new members.

The financial system used in online gambling is decentralized and difficult to map. However, the East Jakarta Metro Police can still block local accounts or digital wallets through coordination with the Financial Transaction Reports and Analysis Center (PPATK) and national banking authorities. Although it does not touch the main servers abroad, this approach is practical enough to cut off local cash flow channels, thereby weakening the network financially. Regarding regulation and coordination, the East Jakarta Metro Police can take the initiative to recommend technical policies at the local government level that

support tracking online gambling content and promotion in local media. This includes encouraging local internet service providers and telecommunications operators to cooperate in reporting IP addresses used in illegal promotional or transactional activities in the East Jakarta area.

The overall solution shows that despite significant challenges in technical aspects, international jurisdiction, and communication privacy, the East Jakarta Metro Police still has significant operational room to act and break the chain of online gambling crime, especially from local nodes. A collaborative, technologically adaptive, and in administrative practice and state administrative law, the Police can develop technical coordination mechanisms based on agreements with representatives or extensions of central agencies in the regions. Furthermore, because the process of tracking online gambling activities often depends on public reports and is reactive, it is necessary to develop an integrated reporting system that is directly connected to the Online Gambling Eradication Desk at the central level. Within the framework of administrative law and investigative functions, the East Jakarta Police can initiate the formation of a Rapid Response Unit tasked with receiving reports, following up with preliminary investigations, and submitting verification results to the Desk or relevant agencies, accompanied by preliminary evidence such as screenshots of gambling promotions, website links, social media accounts, and bank account or digital wallet numbers used. This unit will act as the central hub in maintaining continuity of reporting that no longer relies solely on sporadic complaints from the public, but is systematic, documented, and legally accountable. On the other hand, in response to the absence of a legal obligation for global platforms to actively cooperate with Indonesian law enforcement agencies, the East Jakarta Metro Police, within its jurisdiction, can still emphasize the local aspects of the problem by classifying the promoters and facilitators in the region as part of an organized crime structure. Through this approach, the Police can use the legal basis in Article 27 paragraph (2) in conjunction with Article 45 paragraph (2) of Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law) to prosecute perpetrators who disseminate online gambling content, and at the same time use electronic evidence as a basis for investigation, including that obtained from screenshots of social media or messaging applications.

The East Jakarta Police also need to make proactive efforts by strengthening vertical communication with the National Police's Legal Division and the Criminal Investigation Unit to encourage the drafting of national technical regulations governing fixed protocols for reporting, investigation, and information exchange between agencies. Within the decentralization of law enforcement functions, this approach is legally valid as a form of active participation by the Police in forming technical norms for implementing tasks as permitted under the principle of open coordination in public administration. The Police can compile evaluative reports on procedural gaps and formally submit them to the Metro Jaya Police Chief to be forwarded to the central level as a basis for revising or drafting implementing regulations. Thus, concrete solutions to the challenges of inter-agency coordination and the absence of technical regulations in handling online gambling, especially at the regional level, must be implemented through an institutional approach based on administrative authority, the establishment of an integrated reporting system, the initiation of regional cooperation protocols, and the strengthening of vertical communication to encourage the reformulation of national regulations. All of this is within the corridor of legal and operational legitimacy and is in accordance with the duties and functions of the East Jakarta Police as regulated in the legal framework of the Indonesian National Police. Legal solutions in combating online gambling are closely related to the Theory of Legal Certainty

According to Gustav Radburch, legal certainty requires not only norms that guarantee rights, but also certainty that these rules are enforced strictly and do not cause legal uncertainty for the public, especially in digital transactions.

CONCLUSION

In conclusion, law enforcement against online gambling crimes in the jurisdiction of the East Jakarta Metro Police faces significant obstacles in terms of structure, technology, and inter-agency coordination, marked by limited human resources and digital forensic equipment, the complexity of the perpetrators' cross-border technology-based modus operandi, and the absence of clear technical regulations on reporting and blocking mechanisms. Therefore, comprehensive legal solutions are needed through institutional capacity building, the drafting of detailed technical regulations, and effective inter-agency coordination, so that the preventive and repressive legal protection referred to by Hadjon can be guaranteed to provide certainty, benefits, and protection for the community from the negative impacts of online gambling.

The recommendation that can be made is that to overcome structural challenges and resource limitations, the East Jakarta Metro Police need to obtain regulatory support in the form of strengthening digital forensic competency standards for investigators and providing cyber investigation equipment through the allocation of a special budget that is strictly monitored to ensure accountability, regarding technical and digital. It is necessary to optimize the role of the police cyber unit in mapping crime patterns, strengthening cooperation with PPATK, Kominfo, and national banks to block accounts, and establishing a secure and anonymous public reporting channel to access private content that is difficult to monitor; Meanwhile, regarding the issue of inter-agency coordination and the absence of technical regulations, the Police need to encourage the creation of detailed implementing regulations and establish regional cooperation protocols based on memoranda of understanding with relevant agencies, so that reporting, investigation, and information exchange mechanisms can run in a structured and systematic manner, in line with the principles of preventive and repressive legal protection as intended by Hadjon

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