

Reconstruction of Online Gambling Sanctions in Indonesia: A Comparative Analysis of Ta'zir Sanctions and Penalties of the Electronic Information and Transaction Law

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Abstract

The purpose of this study is to analyze and compare the effectiveness of sanctions under the ITE Law and *jarimah ta'zir* in addressing online gambling, and to explore how the integration of these approaches can create a more effective and comprehensive legal framework in Indonesia. This study employs a normative juridical method with an analytical approach to relevant laws and regulations, particularly the ITE Law and Qanun Jinayat in Aceh. Data were analyzed through a comparative evaluation of sanctions under the ITE Law and *jarimah ta'zir*, focusing on their effectiveness in tackling technological challenges, reducing recidivism, and creating social deterrence against online gambling. The findings reveal that the ITE Law, while effective in utilizing technological measures such as website blocking and account monitoring, faces limitations in providing a permanent deterrent due to the adaptability of gambling networks through VPNs, cryptocurrency, and domain migration. On the other hand, *jarimah ta'zir*, as implemented in Aceh, demonstrates significant success in reducing online gambling cases, with a recorded 35% decrease in cases in 2022, and a 10.53% decrease in overall criminal cases in Aceh Jaya in 2024 compared to 2023, primarily due to public punishments like caning, which create stronger social stigma and

moral deterrence. Furthermore, the rehabilitative aspect of *jarimah ta'zir* offers a complementary approach to the punitive nature of the ITE Law, addressing the underlying causes of gambling behavior.

Keywords: Criminal Law, Legal Reconstruction, Online Gambling.

Introduction

Online gambling is an act that is prohibited by law in Indonesia, with various types of games such as slots, lottery, poker, soccer gambling, and dominoes. Even though it has been banned, the number of online gambling players is actually increasing. Advances in technology and information are often misused to access online gambling.¹ Online gambling is a form of digital crime, which is carried out without knowing territorial boundaries and does not require direct interaction between the perpetrator and the victim. Online gambling utilizes technology to connect perpetrators through electronic media with money bets. Around 4 million people play online gambling in Indonesia, with players of various age groups. As many as 2% of them are under the age of 10 years, while 40% are from the age group of 31-50 years. This phenomenon poses serious challenges in terms of supervision and law enforcement, especially because of its chaotic nature and full of fraud.²

Due to the large number of online gambling players, President Joko Widodo issued Presidential Decree Number 21 of 2024 concerning the Online Gambling Eradication Task Force. In addition, Article 27 paragraph (2) of the Electronic Information and Transaction Law (UU ITE) states that any person who intentionally and without the right to distribute, transmit, or make accessible electronic information that has gambling content can be sentenced to a maximum of 6 years in prison and/or a maximum fine of Rp. 1 billion. In our Criminal Code, it can be seen in Article 303 Paragraph (1) where these gambling perpetrators can be threatened with a minimum of 10 years in prison or a maximum fine of Rp. 25 million.³ Then, the provisions of Article 303 Bis paragraph (1) of the Criminal Code stipulate the threat of a maximum prison sentence of 4 years or a fine of Rp. 10 million.⁴ In the context of prevention, the

¹ Yundha Kurniawan Taufik Siregar and Sri Hidayani, "Penegakan Hukum Oleh Polri Terhadap Pelaku Tindak Pidana Judi Online (Studi Pada Kepolisian Daerah Sumatera Utara)," *ARBITER: Jurnal Ilmiah Magister Hukum* 4, no. 1 (2022): 28–44.

² Ines Tasya Jadidah and others, "Analisis Maraknya Judi Online Di Masyarakat," *Jurnal Ilmu Sosial Dan Budaya Indonesia* 1, no. 1 (2023): 20–27.

³ Dika Sahputra and others, "Dampak Judi Online Terhadap Kalangan Remaja (Studi Kasus Tebing Tinggi)," *Islamic Counseling: Jurnal Bimbingan Dan Konseling Islam* 6, no. 2 (2022): 139–56.

⁴ Firdous Rizqi Imtihan and Dany Miftahul Ula, "Strategi Pencegahan Dan Penanganan Kecanduan Judi Online Di Kalangan Remaja Di Wilayah Desa Ungaran," *Triwikrama: Jurnal Ilmu Sosial* 3, no. 11 (2024): 71–82.

Ministry of Communication and Information has closed access to Network Access Providers (NAPs) in Cambodia and the Philippines. In addition, the Government also closed access to more than 2.6 million online gambling sites during July 17, 2023-2024. This means that the Government is currently hunting for big players involved in this illegal industry.⁵

Nonetheless, the facts on the ground show that the practice of online gambling continues to increase significantly year after year. Technological advances and the increasing access to the internet have made online gambling even more difficult to control, even though there are already legal provisions that prohibit it. Weaknesses in law enforcement, both in terms of technology and coordination between law enforcement agencies, cause existing regulations to not be able to effectively reduce gambling rates. Online gamblers often take advantage of legal and technological loopholes, such as the use of cryptocurrencies or VPNs, to evade legal detection and sanctions.

In addition, the lack of public awareness and the difficulty of monitoring activities in cyberspace are also factors that aggravate this situation. Although the government has shut down thousands of online gambling sites each year, the operators of such sites often migrate to new platforms, with different names and domains, so that online gambling continues to operate without significant obstacles. This shows that a more comprehensive and adaptive legal approach to the development of digital technology is needed and the capacity of law enforcement is increased in tracking and cracking down on online gambling perpetrators. Tougher sanctions and preventive measures involving all elements of society may be needed to improve the effectiveness of existing regulations.⁶

Previous research related to online gambling in Indonesia can be classified into several main groups. First, there is research that focuses on positive legal regulations, especially the effectiveness of the ITE Law⁷ and the Criminal Code in dealing with online gambling practices⁸ and the challenges faced by law

⁵ Fernando Parulian Akbar Silalahi, "Persepsi Generasi Z Terhadap Fatwa Majelis Permusyawaratan Ulama Tentang Judi Online (Studi Penelitian Di Kecamatan Jaya Baru Kota Banda Aceh)," 2023.

⁶ Muhammad Al Riyadh Sigid Suseno and Rully Herdita Ramadhani, "Analisis Kebijakan Hukum Pidana Dalam Pasal 45 Ayat (4) Jo. Pasal 27 Ayat (4) UU ITE," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 5, no. 1 (2024).

⁷ Dimas Arya Aziza, "Information and Technology Law Implementation on Enforcing Criminal Sanctions for Online Gambling," *Indonesian Journal of Multidisciplinary Science* 3, no. 3 (2023): 249–55, <https://doi.org/10.55324/ijoms.v3i3.748>.

⁸ Nisar Mohammad Ahmad, Mohd. Mahyeddin Mohd Salleh, and Mustafa 'Afifi Ab. Halim, "The Right To Gamble': An Analysis Of Gambling 'Industries' In Malaysia From Constitutional And Legal Perspectives," *Malaysian Journal of Syariah and Law* 07, no. 02 (2015): 101–10, <https://doi.org/https://doi.org/10.33102/mjssl.v7i2.185>.

enforcement in cracking down on perpetrators,⁹ especially related to the development of digital technology. Second, there are studies that highlight legal gaps and gaps in existing regulations¹⁰, where many online gamblers have managed to evade legal sanctions¹¹ through the use of advanced technologies such as cryptocurrencies or digital anonymity.¹² Third, another research group focuses on the approach of Islamic criminal law, by exploring the principles of *jarimah ta'zir* and *maqasid sharia* as a basis for providing more flexible and moral sanctions in cracking down on online gambling cases.¹³ Evidence from Aceh demonstrates the effectiveness of this approach, with a recorded 35% decrease in online gambling cases in 2022 and a 10.53% decrease in overall criminal cases in Aceh Jaya in 2024 compared to 2023. This success is primarily attributed to the implementation of public punishments like caning, which create stronger social stigma and serve as a powerful moral deterrence within the community.¹⁴ Finally, some studies also address the potential for integration between positive law and Islamic criminal law, where both approaches can be combined to create a more comprehensive regulation, with an emphasis not only on prevention and enforcement, but also on the rehabilitation of online gamblers. These research groups show diverse approaches in understanding the phenomenon of online gambling and its regulation in Indonesia.

This research is in line with the previous research trend that discussed online gambling regulations, but deepened the analysis by conducting a comparative comparison between the sanctions of *jarimah ta'zir* in Islamic criminal law and the sanctions regulated in the Electronic Information and

⁹ Muhammad Fathur Rachman Jimmy and Iman Sumarlan, "Audience Reception: Prevention of Online Gambling Site Advertisements Within The Scope of Instagram," *Jurnal JTIK (Jurnal Teknologi Informasi Dan Komunikasi)* 8, no. 3 (2024): 619–26, <https://doi.org/10.35870/jtik.v8i3.2151>.

¹⁰ David Febrianto Sinaga, Zainal Abidin Pakpahan, and Nimrot Siahaan, "Legal Sanctions For People Of The Crime Of Gambling According To Article 303 Of The Criminal Law," *International Journal of Economy, Computer, Law, Management and Communication* 4852, no. 2 (2024): 1–6.

¹¹ Muhammad Prima Adiguna and Yuliana Yuli Wahyuningsih, "CRIminal Sanctions Against Perpetrators Of Online Gambling Promotion Through Social Media (Case Study Of Court Decision" 9, no. April (2025): 1–12.

¹² Sukhebi Mofea, "Juridical Analysis In Implementing Criminal Sanctions Against Gambling In Tangerang District," *Internaional Journal of Law Review and State Administration* 1, no. 1 (2023): 23–29.

¹³ Muhammad Riza Mulyansyah and Heru Suseto, "Criminal Sanctions For Gambling Or JarimahMaisir Based On Aceh Government Qanun No. 6 Of2014 Concerning Jinayat Law (Syari'yah Court Ruling Sinabang Number 6/Jn/2021/Ms.Snb)," *Revista Latinoamericana de Derecho y Religión* 1, no. NE (2022): 1112–21, <https://doi.org/10.7764/rldr.ne01.009>.

¹⁴ Musliadi, "Polres Aceh Jaya Ungkap 68 Kasus Kriminal Sepanjang 2024, Judi Online Paling Menonjol", <https://metropolis.id/news/polres-aceh-jaya-ungkap-68-kasus-kriminal-sepanjang-2024-judi-online-paling-menonjol/index.html>.

Transactions Law (UU ITE). While previous research has focused more on law enforcement challenges and regulatory loopholes, this study focuses on how the principles of *jarimah ta'zir* can be used to complement weaknesses in positive law. Thus, this research aims to provide a more comprehensive solution through the integration of both legal approaches, not only to punish perpetrators, but also to prevent and rehabilitate them more effectively, in accordance with the current digital and social context.

This study uses a normative juridical approach, which is a legal method that aims to review and analyze laws and regulations as well as legal literature relevant to topics related to the comparative analysis of *Ta'zir* sanctions and penalties in the Electronic Information and Transaction Law (UU ITE) in the context of online gambling in Indonesia. This approach focuses on the evaluation and interpretation of applicable legal norms, particularly in the application of the ITE Law from the perspective of Islamic criminal law, with an emphasis on how *Ta'zir* sanctions can be compared to the penalties provided for in the regulation. The main data sources in this study include legal journals, law books, laws and regulations, and other relevant legal documents. This study examines in depth the application of the ITE Law, especially Article 27 Paragraph (2), in tackling online gambling, and compares it with the principles of *jarimah ta'zir* from Islamic criminal law. The main focus is on the comparison and interaction between positive law and Islamic criminal law, as well as how the combination of these two approaches can result in a more effective legal framework in dealing with the phenomenon of online gambling in the digital age. Thus, this research method is expected to provide a comprehensive understanding and more appropriate solutions in dealing with legal challenges related to online gambling in Indonesia.

Discussion

Comparison of the Effectiveness of ITE Law and *Ta'zir* Sanctions in Handling Online Gambling

Legal arrangements related to gambling crimes have been regulated in Articles 303 and 303 bis of the Criminal Code (KUHP). As explained in Law Number 7 of 1974 Article 1, there is a classification of various forms of gambling crimes as crimes, which can result in the imposition of the threat of punishment. However, the threat of punishment that applies today is no longer in line with the existing conditions, so it does not provide a deterrent effect for the perpetrators. In Articles 303 and 303 of the Criminal Code which have been amended by Article 2 paragraphs (1), (2), and (3) of Law Number 7 of 1974, it is stated that in Article

303 paragraph (1) of the Criminal Code, the maximum prison sentence is two years and eight months or a maximum fine of ninety thousand rupiah.¹⁵

This rule has been changed to a maximum prison sentence of ten years or a maximum fine of twenty-five million rupiah. In Article 303 bis paragraph (1) of the Criminal Code, which originally contained a maximum sentence of imprisonment of one month or a maximum fine of four thousand five hundred rupiah, it has now been changed to a maximum prison sentence of four years or a maximum fine of ten million rupiah. Meanwhile, Article 303 bis paragraph (2) of the Criminal Code, which previously stipulated a maximum sentence of three months imprisonment or a maximum fine of seven thousand five hundred rupiah, has been changed to a maximum prison sentence of six years or a maximum fine of fifteen million rupiah. In the Criminal Code, gambling is expressly stated as a prohibited act. This is regulated in Article 303 paragraph (1) of the Criminal Code, which states that anyone who gambles without a license can be threatened with imprisonment for a maximum of ten years or a maximum fine of twenty-five million rupiah. Gambling is categorized as a criminal offense if it is done without obtaining prior permission from the competent authority. In addition, Article 303 bis of the Criminal Code describes the elements of the crime of gambling, namely: a) Taking advantage of the opportunity to gamble, and b) Violating the provisions stipulated in Article 303 of the Criminal Code.¹⁶

Online gambling is expressly regulated in Law Number 1 of 2024, which is an amendment to Law Number 19 of 2016 and Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE). Article 27 paragraph (1) of Law No. 1 of 2024 emphasizes that the dissemination of information or electronic documents containing content that violates morals can be criminalized. Article 27 paragraph (2) of Law No. 1 of 2024 explains that any person who intentionally and without rights distributes, transmits, or makes accessible information or electronic documents containing gambling content is included in prohibited acts. The explanation of Article 27 paragraph (2) of Law No. 1 of 2024 further details that this provision includes all forms of gambling, such as offering or providing opportunities to gamble, making it a livelihood, offering or providing opportunities to the public to play gambling, and participating in these gambling activities. The provisions regarding criminal penalties for violations of the online gambling law are regulated in Article 45 paragraph (3) of Law 1 of 2024, which

¹⁵ Siti Fatimah and Taun Taun, "Tinjauan Yuridis Terhadap Pelaku Tindak Pidana Perjudian Online Di Indonesia," *Innovative: Journal Of Social Science Research* 3, no. 2 (2023): 3224–31.

¹⁶ Nur Khabibatus Sa'diyah Ifahdah Pratama Hapsari and Hardian Iskandar, "Pertanggungjawaban Pidana Terhadap Pelaku Judi Online Di Indonesia," *Gorontalo Law Review* 5, no. 1 (2022): 160–66.

states that the perpetrator can be sentenced to a maximum of 10 years in prison and/or a maximum fine of IDR 10 billion.¹⁷

The application of sanctions in the ITE Law (Electronic Information and Transaction Law), especially Article 27 Paragraph (2), has made efforts to overcome the practice of online gambling in Indonesia. Although this law regulates criminal penalties of up to 6 years in prison and a maximum fine of IDR 1 billion, its effectiveness is still limited by various factors, especially related to the development of technology used by online gamblers. Online gamblers often use technologies such as Virtual Private Networks (VPNs) and cryptocurrencies to hide their identities and transactions. This results in difficulties in tracking and law enforcement. Online gambling sites that have been blocked often reappear with new domains or hosted on overseas servers. Data from the Ministry of Communication and Information Technology (Kominfo) shows that more than 2.6 million online gambling sites were blocked in 2023, but many of these sites are back on active.

The implementation of sanctions in the ITE Law requires strong coordination between various institutions, such as Kominfo, the police, and internet service providers. However, this coordination is often hampered by technological limitations and the lack of a continuous monitoring system. While Kominfo can block sites, online gambling operators often change domains or move their servers abroad. This makes the enforcement of the ITE Law a recurring challenge. The absence of strong international cooperation makes matters worse, as online gambling is cross-border so domestic laws are not always effective in dealing with sites hosted abroad. Although the threat of punishment in the ITE Law is quite severe, namely a fine of up to Rp 1 billion and a maximum prison sentence of 6 years, the deterrent impact on online gambling perpetrators is not significant. Offenders often make large financial gains from their operations before being caught, so the risk of punishment is assessed to be less than the potential profits they make. Many perpetrators return to online gambling after being free from punishment, because the punishment structure in the ITE Law is more material and does not take into account the aspects of rehabilitation or social improvement.

In 2023, Kominfo managed to block more than 2.6 million online gambling sites. However, the data shows that the majority of such sites are back up and running with different domain names. This indicates that the site blocking mechanism is only temporary and does not provide a long-term solution in suppressing online gambling activities in Indonesia. The implementation of the ITE Law without increasing technological capacity and better international cooperation is still difficult to significantly reduce the number of online gambling.

¹⁷ Ernita Kudadiri Andi Najemi and Erwin Erwin, "Pertanggungjawaban Pidana Bagi Pelaku Tindak Pidana Perjudian Online," *PAMPAS: Journal Of Criminal Law* 4, no. 1 (2023): 1–15.

The ITE Law focuses more on material punishments such as fines and imprisonment, but does not pay enough attention to the rehabilitation of online gamblers. In fact, many perpetrators are involved in online gambling due to economic impulses or addiction. Without clear rehabilitation efforts, the risk of the perpetrator returning to commit a violation after serving a sentence remains high. A more holistic approach, including rehabilitation programs and public awareness-raising, can be a more effective solution in the long run.

Table 1: Online Gambling Data in Government Blocks

Tahun	Situs Judi Diblokir	Konten Judi Diblokir	Rekening Judi Ditutup
2021	1,300,000	90,000	1,500
2022	118,320	118,320	1,931
2023	2,600,000	2,600,000	1,450

Data Source: <https://aptika.kominfo.go.id>

Based on data from the Ministry of Communication and Information Technology (Kominfo), efforts to combat online gambling in Indonesia have been carried out through massive content blocking. Until 2023, more than 2.6 million online gambling sites have been blocked by Kominfo, including content circulating on social media as well as websites that promote online gambling. Nonetheless, many of these sites are back up and running using different IP addresses and servers, often hosted abroad such as in Cambodia and the Philippines, which complicates effective law enforcement efforts. In addition, in 2022, more than 118,320 online gambling content was successfully blocked by Kominfo until August. This blocking is carried out through 24-hour cyber patrols and reports from the public.¹⁸ However, the main challenge in the implementation of ITE Law sanctions is the inability to permanently cut off online gamblers' access, as they continue to modify the way they operate by taking advantage of technological sophistication such as cryptocurrencies and VPNs. This effort was also offset by the closure of 1,931 accounts and 1,450 e-wallets allegedly related to online gambling transactions in 2023, as part of cooperation with Bank Indonesia and the Financial Services Authority (OJK). However, the closure of these accounts has not completely suppressed the activities of the perpetrators, as they quickly switch to alternative payment methods.

The effectiveness of the implementation of sanctions in the ITE Law to eradicate online gambling still encounters various obstacles, especially related to

¹⁸ Hanifah Triari Husna, "Kominfo Blokir 118.320 Konten Judi Online Hingga Agustus 2022," Kominfo, 2022, <https://aptika.kominfo.go.id/2022/08/kominfo-blokir-118-320-konten-judi-online-hingga-agustus-2022/>.

technological advances used by online gamblers. Although more than 2.6 million online gambling sites have been blocked by the Ministry of Communication and Information Technology (Kominfo) in 2023, many of them are back in operation with new domains and utilizing international networks to avoid detection. The main challenges in this law enforcement are the inability to crack down on sites hosted abroad as well as the use of anonymous tools such as VPNs and cryptocurrencies.

On the other hand, the application of *jarimah ta'zir* in Islamic criminal law in Aceh shows more significant results in suppressing online gambling practices. This system is regulated through the Aceh Qanun Number 6 of 2014 concerning the Law of Jinayat, which allows flexibility in determining the type and severity of sanctions, including public whipping. In contrast to the ITE Law, which relies more on material punishments such as fines and imprisonment, *ta'zir* in Aceh provides space for corporal punishment and social rehabilitation, which has proven to be more effective in creating a deterrent effect among the community.¹⁹ This research offers a distinct novelty compared to Fajri's study. While Fajri's research primarily evaluates the application of lashing under Islamic Sharia in Aceh through the lens of international law and human rights, particularly whether it constitutes torture or cruel treatment, our study focuses on the tangible impacts of *jarimah ta'zir* in reducing criminality. Highlighting the 35% decrease in online gambling cases in 2022 and a 10.53% reduction in overall criminal cases in Aceh Jaya in 2024, our research provides empirical evidence of the effectiveness of public punishments like caning. By combining quantitative data with the principles of *maqasid sharia*, this study not only reinforces the legitimacy of *ta'zir* in Islamic criminal law but also presents its success in fostering social order and a strong moral deterrence in the community. *Jarimah ta'zir* is an integral part of the Islamic criminal law system implemented in Aceh, where the punishment allows flexibility in determining the type and severity of sanctions based on the condition of the perpetrator and the level of the violation.²⁰ This punishment is regulated in the Aceh qanun number 6 of 2014 concerning the law of jinayat, which stipulates sanctions for various forms of violations, including online gambling.

The application of *ta'zir* in Aceh provides a concrete example of how Islamic criminal law can be applied to handle online gambling. Online gambling perpetrators in Aceh can be punished with public whipping, or in some cases, heavy fines and prison sentences. The caning, which is carried out openly in public, is not only aimed at providing corporal punishment, but also to have a

¹⁹ Fajri Matahati Muhammadin et al., "Lashing In Qanun Aceh And The Convention Against Torture: A Critical Appraisal," *Malaysian Journal of Syariah and Law* 7, no. 1 (2019): 11–24, <https://doi.org/10.33102/mjssl.v7i1.173>.

²⁰ Rahmawati et al., "Criminal Law Disparities against Perpetrators of Sexual Violence against Children Based on Islamic Law in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (2023): 667–96, <https://doi.org/10.29240/jhi.v8i2.7379>.

strong deterrent effect on the wider community. In addition, public awareness of sharia norms in Aceh supports this law enforcement. The decrease in the number of online gambling cases in Aceh is one indication of the success of the implementation of *jarimah ta'zir*. According to a report released by local legal authorities, cases related to online gambling in Aceh dropped by 35% in 2022 after the whipping penalty was openly enforced. The Aceh Jaya Police recorded a decrease in the disclosure of criminal cases throughout 2024. Based on the data released, as many as 68 cases were successfully revealed in 2024, a decrease of around 10.53% compared to the previous year which reached 76 cases. This shows that this approach to physical and public sanctions is effective in reducing the number of violations.

The implementation of *ta'zir* is also supported by routine patrols and socialization carried out by a joint team from the Banda Aceh Police Satreskrim, Kodim 0101/KBA, and Satpol PP, which focuses on preventing online gambling in coffee shops and other public places that are often used as locations for violations. This effort shows that *ta'zir* is not only a punitive tool, but also a preventive step in creating social awareness about the dangers of online gambling. The punishment of public whipping as part of *ta'zir* has a strong psychological impact on the perpetrator and the wider community. In the context of Aceh, where Islamic sharia is firmly upheld, public whipping creates a great social stigma for violators. This effect makes it not only a physical sanction, but also an effective deterrent tool, as people tend to be reluctant to break the law which can bring public humiliation.²¹

In contrast to the ITE Law which prioritizes material sanctions, *jarimah ta'zir* focuses on the social, moral, and physical impacts of punishment. These sentences emphasize the enforcement of Islamic morality, and as such, are more effective in the context of Acehnese society, where religious values are highly respected. Sanctions such as whips provide a clear example of how sharia law can create a deeper deterrent effect than imprisonment or fines alone. One of the main advantages of *jarimah ta'zir* over the ITE Law is flexibility in determining punishment. In *ta'zir*, punishment can be adjusted according to the level of guilt of the perpetrator, ranging from whipping, fines, to social rehabilitation. This approach allows judges or local authorities in Aceh to adjust the punishment according to the specific situation of the violation that occurred. While the ITE Law tends to provide more "uniform" punishments, such as fines or rigidly determined prison sentences, *ta'zir* is able to take into account the social and psychological context of online gambling violations.

²¹ Muzakkir, "The Effectiveness of Aceh's *Jinayat Qanun* on Crime Rates in the Community in a Review of Legal Socialization," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022): 255–68, <https://doi.org/10.24090/mnh.v16i2.6643>.

This flexible approach provides room for more rehabilitative punishments, especially for offenders who may be involved in online gambling due to economic pressure or a lack of legal awareness. Social rehabilitation is an integral part of the *ta'zir* approach, aiming not only to punish but also to guide perpetrators away from re-engaging in similar offenses in the future. The effectiveness of *jarimah ta'zir* in Aceh is supported by data showing a 35% decrease in online gambling cases in 2022, along with a 10.53% reduction in overall criminal cases in Aceh Jaya in 2024. This success highlights that *jarimah ta'zir* is more effective in reducing online gambling compared to the ITE Law, which primarily relies on material punishments such as fines and imprisonment. The public punishments under *ta'zir*, like caning, contribute to a stronger social stigma and act as a powerful moral deterrence within the community. However, implementing *jarimah ta'zir* outside of Aceh faces significant challenges. In other regions of Indonesia, where secular law is more dominant and Islamic Sharia is not enforced, corporal punishment such as whipping may be considered a violation of human rights and may not align with the values upheld by the broader community.

The debate over human rights, especially related to corporal punishment, makes *ta'zir* difficult to implement outside of Aceh, although this approach has proven effective. Nevertheless, the elements of rehabilitation and social stigma contained in *ta'zir* can be adapted in more generally accepted forms, such as social punishments, community work programs, or heavier fines to prevent repeat offenses.

Reconstruction of Electronic Information and Transaction Law Sanctions and Ta'zir for More Effective Online Gambling Law Enforcement

The reconstruction of online gambling laws is a crucial step in reviewing and updating the laws and regulations that regulate sanctions for violations related to online gambling. The punishment stipulated in Article 303 of the Criminal Code, which previously included a maximum penalty of 10 years in prison or a fine of up to Rp25 million, needs to be updated. Given the scale and impact of this crime that is getting wider due to advances in digital technology, this sentence can be increased to 15 years in prison with a higher maximum fine, up to IDR 50 million or more. Article 303 bis of the Criminal Code, which previously stipulated penalties for minor offenses with a maximum threat of 6 years in prison or a fine of up to Rp15 million, also needs to be strengthened to target perpetrators who use digital platforms illegally. The prison sentence can be extended to 10 years, and the fine is increased to Rp100 million or more, especially for operators involved in the implementation of unlicensed online gambling.

Article 27 paragraph (2) of the ITE Law, which prohibits the distribution of information or electronic documents containing gambling, needs to be adjusted specifically to regulate online gambling. Criminal penalties that are

currently regulated with a maximum of 10 years in prison or a fine of up to Rp10 billion can be aggravated to increase the deterrent effect, for example by increasing the prison sentence to 15 years or a fine of up to Rp20 billion. Article 45 paragraph (3) of the ITE Law, which provides for penalties for those who distribute gambling information, can also be amended by adding provisions on asset confiscation and prohibition of the use of certain technologies to prevent similar violations in the future. In this legal reconstruction, new articles that specifically regulate online gambling as a phenomenon different from conventional gambling need to be drafted. These articles may include clear legal definitions of what constitutes online gambling, including games that involve betting through the internet.²² Provisions that provide severe penalties for operators who conduct online gambling without a license, with heavier penalties than ordinary players, also need to be regulated.²³

In addition, the prohibition on advertising and promotion of online gambling through digital media, with strict sanctions for violators, including revocation of business licenses and high fines, needs to be clarified. Additional recommendations regarding the seizure of assets from online gambling and the blocking of sites or applications used for such activities are also important, including cooperation with internet service providers and social media platforms to enforce online gambling bans. Additional penalties for repeat offenders related to online gambling, such as an increase in prison terms and an increase in the number of fines, also need to be implemented. In addition, the development of a coordination mechanism between law enforcement agencies, relevant ministries, and digital service providers to ensure effective law enforcement against online gambling is essential.²⁴ This includes improving law enforcement's ability to track and arrest perpetrators operating internationally. This reconstruction aims to adapt legal regulations to the increasingly complex and threatening development of online gambling. By tightening sanctions and clarifying legal provisions, it is hoped that it can provide a stronger deterrent effect and protect the public from the negative impact of online gambling.²⁵

²² Wahyu Abdul, "Undian Berhadiah Alfamart Di Kota Bengkulu Dalam Perspektif Ekonomi Syari'ah," *Al-Istinbath: Jurnal Hukum Islam* 4, no. 1 (2019): 1–14, <https://doi.org/10.29240/jhi.v4i1.634>.

²³ Dzikri Amrulloh, "Kedudukan Hukum Perjudian Dalam Game Online (Taruhan Dan Gacha System) Berdasarkan Pasal 303 KUHP Dan Pasal 18 Qanun Aceh No. 6 Tahun 2014 Serta Hubungannya Dengan Pasal 27 Undang Undang ITE," 2024.

²⁴ J. M. Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024): 53–77, <https://doi.org/10.19105/al-lhkam.v19i1.8731>.

²⁵ Ahmad Ghifari Alhasani, "Pertanggungjawaban Pertanggungjawaban Pidana Terhadap Pelaku Pembuat Konten Perjudian Online Berbasis Live Streaming," *PAMPAS: Journal of Criminal Law* 5, no. 1 (2024): 107–14.

Criminal law includes a wide range of provisions, including crimes and offenses. An act can be considered a crime and a violation of criminal law if the act causes harm to others, is regulated in the Criminal Code, and is carried out with certain intentions. Based on the Principle of Legality, 'No act can be punished except based on the criminal rules that existed before the act was committed'. In addition to being regulated in the Criminal Code, ideally the punishment for gambling is also regulated in Islamic law, considering the increasingly rampant practice of gambling among the community.²⁶

Online gambling is any form of activity that aims to obtain winnings through betting, where the losing party must pay a fine to the winning party. This act, whether done openly or covertly, is included in the category of gambling. This phenomenon of online gambling is mentioned in (QS. Al-Baqarah Verse 219), (QS, Al-Maidah Verses 90-91), Criminal Code Article 303 Paragraph (3), and ITE Law Article 27 Paragraph (2). Although Indonesia does not fully implement Islamic criminal laws and sanctions, these regulations remain, and one of the regions that strongly applies them in the case of online gambling is Aceh, through Qonun as their local law. Therefore, this regulation was made so that the public understands that online gambling is prohibited both by religion and by law.²⁷

The emergence of highly sophisticated technology has reconstructed people's lives with a new culture.²⁸ Currently, people-to-people relations in the global dimension are no longer limited by the territorial boundaries of countries, but through global communication without knowing national borders. This phenomenon is one of the aspects of globalization that affects the world's technological advancement. In Indonesia, the social media technology that is currently developing has a significant negative impact, one of which is online gambling. This online gambling is in great demand by various groups, from children to adults, both men and women, regardless of age. It should be noted that technology not only has a positive impact, but also has a negative impact on society, one of which is through the rise of online gambling. Online gambling is not a new phenomenon, it has existed since ancient times, starting from the royal era to the current independence period. With the advancement of technology,

²⁶ Masruchin Ruba'i, *Buku Ajar Hukum Pidana* (Media Nusa Creative (MNC Publishing), 2021).

²⁷ Muhammad Urifianto Ardhan Muhammad Fadel Adepio and Lawrentiust Kennardy, "Maraknya Judi Online Di Kehidupan Generasi Muda Dan Menurut Pandangan Hukum Yang Berlaku," *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 09 (2024): 3209–16.

²⁸ Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 155, <https://doi.org/10.32332/milrev.v2i2.7809>.

gambling has transformed into online gambling, which now has a huge number of fans, both domestically and abroad.²⁹

According to Dedy, "the eradication of online gambling in Indonesia faces a big challenge because online gambling sites or applications continue to emerge under different names, even though access to these sites has been cut off. In addition, the legality of gambling in several other countries adds to the difficulties in cross-border law enforcement. This is a challenge in itself considering the difference in legal provisions related to gambling. With these conditions, online gambling is difficult to eradicate because it has spread widely and circulated on various online media sites that are considered reliable, so that the government faces difficulties in handling online gambling cases in the community."³⁰

The phenomenon of online gambling has a greater negative impact than the positive impact, affecting all levels of society, starting from children³¹ and adolescents to the elderly, regardless of age, position, or gender. Online gambling is a deviant behavior that spreads in society, because many people consider it an activity that is not in accordance with norms and ethics. Various factors can influence a person to engage in online gambling, including economic, social, cultural, environmental, and curiosity factors. Although online gambling offers possible profits, the risks and losses it entails are much greater. The negative impacts of online gambling include fights, poverty, mental damage, stress, depression, as well as potential suicide, damage to the younger generation, and crime.³²

In Indonesia, online gambling often involves the lower middle class with mediocre economic conditions. These gamblers often lose money slowly, sell property, mortgage houses and land, and there are even cases where family members such as children³³ and wives are used as bets to pay off debts from gambling losses. Involvement in gambling often starts out of curiosity, conformity, or a desire to get rich quickly in an instant way, often driven by laziness or an unstable economic situation.³⁴

²⁹ Rian Hari Ramadhan, "Perilaku Komunikasi Interpersonal Mahasiswa Pengguna Judi Online," *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 11 (2023).

³⁰ Mastori and others, "Strategi Dakwah Memberantas Judi Online Di Indonesia," *Al-Hikmah Media Dakwah, Komunikasi, Sosial Dan Kebudayaan* 15, no. 1 (2024): 1–14.

³¹ Rizanizarli Rizanizarli et al., "The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat," *Samarah* 7, no. 1 (2023): 21–39, <https://doi.org/10.22373/sjhk.v7i1.15633>.

³² Wiranto Pratama and Deddy Ilyas, "Judi Online Ditinjau Dari Qs. Al-Maidah Ayat 90-93," *UInScof* 1, no. 2 (2023): 763–79.

³³ Ahmad Rivaldi, "Legal Protection and Children ' s Rights Based on the 1945 Constitution in the Dynamics of Government in Indonesia," *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 1–8.

³⁴ Edward Cevy Listyanto, "Efektifitas Pemberantasan Tindak Pidana Judi Online Di Wilayah Hukum Polres Grobogan," 2021.

Knowing the negative impact caused by online gambling should encourage us to learn and avoid getting involved in this game to avoid various problems that it can cause. Crime, including gambling, is a common phenomenon both in Indonesia and in the world. According to Bonger, crime is an anti-social act that consciously receives a reaction from the state in the form of punishment, in response to the legal definition of crime. Gambling is an activity in which players bet on one of several choices, with only one correct choice and being the winner. The losing player must hand over his bet to the winner. This activity can trigger significant crimes, such as theft, fraud, and even murder, because gambling is a bad habit that can have a negative impact on society. Online gambling addiction can lead to a variety of problems, including running out of money, the onset of a desire to steal to get gambling capital, and other problems. Therefore, it is important to understand these risks and avoid gambling to maintain the well-being of yourself and society.

Based on Article 27 paragraph (2) of Law 1 of 2024 concerning the second amendment to the ITE Law, which reads as follows: "Every person deliberately and without the right to distribute, transmit, and/or make accessible Electronic Information and/or electronic documents that have gambling content". From the reading of Article 27 paragraph (2) of Law No. 1 OF 2024, there are several explanations of the elements, as follows: Distributing is sending and/or disseminating information and/or electronic documents to many people or various parties through electronic systems. Transmitting is transmitting information and/or electronic documents addressed to other parties through an electronic system, and making them accessible" is all other acts other than distributing and transmitting through an electronic system that causes information and/or electronic documents to be known to other parties or the public.³⁵

Article 27 paragraph (2) of Law Number 1 of 2024 above, regulates gambling by including provisions related to the offer or provision of opportunities to play gambling, making it a livelihood, and participating in companies that provide opportunities to play gambling. Violations of the provisions of Article 27 paragraph (2) of Law Number 1 of 2024 can result in imprisonment for a maximum of 10 years and/or a fine of up to IDR 10 billion, as stipulated in Article 45 paragraph (3) of Law Number 1 of 2024.

Not only that, Article 303 of the Criminal Code also regulates the threat of a maximum penalty of 10 years or a maximum fine of Rp. 25 million for online gambling perpetrators. To provide a deterrent effect on gambling perpetrators and for perpetrators to be secured by law enforcement officials, the public should take firm action by reporting the gambling perpetrators to the police station. As

³⁵ Muhammad Al Riyadh Sigid Suseno and Ramadhani, "Analisis Kebijakan Hukum Pidana Dalam Pasal 45 Ayat (4) Jo. Pasal 27 Ayat (4) UU ITE."

a community that finds gambling perpetrators around the house, they must bring strong evidence so that the perpetrators can be punished in accordance with the applicable article.

However, in the application of sanctions against perpetrators of online gambling crimes, law enforcement still tends to use the general rules contained in the Criminal Code as well as special regulations regulated in Law Number 1 of 2024 concerning Information and Electronic Transactions. In the study of Fiqh Jinayah, the crime of online gambling is included in the category of jarimah ta'zir. Ta'zir is a punishment for offenses and criminal acts that are not specifically regulated in the law of had. The punishment of ta'zir can vary, depending on the case and the perpetrator.

In a certain sense, ta'zir is in line with the law of had, which is an action that aims to improve human behavior and prevent others from committing similar actions. Jarimah ta'zir covers all offenses other than those threatened with the punishment of had, kifarati, and qisas diyat. Jarimah ta'zir is divided into two categories: first, jarimah whose form and type have been determined by the verse of the Qur'an and Hadith, but the punishment is left to humans; Second, the jarimah which is both in its form and type and its punishment is handed over to humans, with the shari'a only giving general provisions.³⁶

Syara' does not prescribe a specific type of punishment for each jarimah ta'zir, but only mentions various types of punishment from the lightest to the severest. Shari'ah specifies several jarimah ta'zir that are considered serious offenses, such as usury, embezzlement, insult, and bribery. However, some of the jarimah ta'zir is left to the ruler to determine the appropriate punishment, provided that the punishment must take into account the interests of the community and does not contradict the nash-nash (provisions of the Shari'a) and general principles. This is so that the ruler can regulate society, protect its interests, and deal with sudden problems in an effective way.

The government in an effort to eradicate gambling, both ordinary and online gambling, applies sanctions in accordance with the provisions of the Criminal Code and Law Number 1 of 2024. Sanctions imposed by the government are included in the category of ta'zir punishment, which can be in the form of imprisonment or fines. One of the government's strategies in dealing with crime is through criminal policy. Criminal policy is part of social policies that aim to overcome the problem of crime in society, both through penal and non-penal means. Crime prevention efforts through penal means focus more on repressive actions, namely enforcement after a crime has occurred. In contrast, non-penal means emphasize more on prevention before crime occurs. Although penal

³⁶ Hamli Syaifullah, "Ta'widh Dan Ta'zir Persepektif Mufassir Klasik Dan Implementasinya Di Bank Syariah," *MALLA: Journal of Islamic Banking and Finance* 5, no. 1 (2021): 27–42.

(criminal law) policy is repressive, it also contains a preventive element. With the threat and application of criminal penalties to violations, it is hoped that it can prevent crimes from occurring. Thus, criminal law serves as a means of social control, where criminal sanctions are used to overcome and reduce crime.³⁷

Efforts to overcome crime through criminal law are methods that have existed since the beginning of human civilization and until now are still one of the main means in criminal politics.³⁸ Crime prevention using penal means can be carried out through the criminal justice system, which includes the application of criminal sanctions in accordance with the provisions of the Criminal Code, especially Article 10 which regulates the types of punishment. In addition, criminal sanctions can also be applied based on other laws and regulations that clearly regulate the criminal provisions, such as Article 103 of the Criminal Code.³⁹

Thus, crime prevention through penal means is carried out by utilizing criminal law as the main means, including material criminal law, formal criminal law, and its implementation through the criminal justice system in Indonesia. The application of criminal sanctions against online gambling crimes, both regulated in the Criminal Code and in Article 27 of Law Number 1 of 2024 concerning Information and Electronic Transactions, aims to improve criminals, prevent crimes from occurring to avoid victims, and protect and improve public welfare (social defense and social welfare).

Law enforcement against online gambling requires increased coordination between various law enforcement agencies, as well as the use of modern technology to block and track online gambling sites more effectively. Adequate information system integration can support law enforcement efforts and prevent access to illegal gambling platforms. There needs to be a revision to Law Number 1 of 2024 to include more detailed provisions regarding sanctions for online gambling service providers. In addition, specific arrangements governing the technical aspects of online gambling and cross-border legal challenges should be developed to improve the effectiveness of the regulations. There needs to be an effort to increase public awareness about the dangers of online gambling and its negative impact needs to be strengthened. In addition, training for law enforcement on technical and legal aspects of online gambling must be carried

³⁷ Uswatun Hasanah and Citra Pertiwi Isroyo, "Fenomena Judi Online Terhadap Kecenderungan Pemahaman Hadis Di Era Disrupsi Digital," *Jurnal Riset Agama* 2, no. 3 (2022): 949–63.

³⁸ Vivi Ariyanti and Supani, "Examining Muslims' Aspirations in Drafting the New Criminal Code: Analyzing Criminal Law Policy in Indonesia from a Maslaha Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024): 37–58, <https://doi.org/10.24090/mnh.v18i1.8280>.

³⁹ Abdul Syatar et al., "Examining Call for the Dissolution of Indonesian Ulema Council: Siyāṣah Syar'īyyah Perspective," *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 199–211, <https://doi.org/10.31958/juris.v22i2.6678>.

out to ensure the application of sanctions in accordance with the principles of Islamic criminal law. The application of Islamic Criminal Law, the handling of online gambling should consider the aspects of Maqasid Syariah (protection of religion, soul, intellect, descendants, and property), so that it can provide a more holistic approach in law enforcement. The application of takzir sanctions in accordance with sharia principles is expected to improve perpetrators and prevent similar violations. In conclusion, to increase the effectiveness of online gambling countermeasures in Indonesia, improvements in the legal system, increased coordination between institutions, regulatory revisions, and the implementation of approaches that take into account the perspective of Islamic criminal law and the challenges of technological globalization are needed.

The dynamics of the implementation of Law Number 1 of 2024 concerning Information and Electronic Transactions (ITE) require a deep understanding of how this law is implemented, the challenges faced, and its impact on society. The revision of Law No. 11 of 2008 concerning ITE aims to accommodate the rapid development of technology and information, especially in overcoming cybercrime, including online gambling which is increasingly rampant. This effort reflects the government's response to the evolving challenges of digitalization.

One of the main challenges is the effectiveness of law enforcement. While these laws provide a strong legal basis for cracking down on violations in the digital space, the biggest challenge lies in their implementation. Law enforcement often has difficulty tracking down and cracking down on perpetrators who use advanced technology to hide their tracks.⁴⁰ The implementation of the ITE Law relies heavily on law enforcement's ability to leverage technology to identify, track, and crack down on cybercriminals, including the use of technology to block online gambling sites and monitor online activity.⁴¹

Another striking dynamic is the increasing number and complexity of cybercrime cases, including online gambling. Gambling practices are not only carried out through websites, but also through mobile apps and social media platforms, which makes it difficult to monitor and enforce the law. In addition, the modus operandi of perpetrators continues to evolve with the use of cryptocurrencies, which makes transactions difficult to track. The implementation of the ITE Law also faces social and cultural challenges, especially related to public perception of this law. The ITE Law is often seen as controversial, especially regarding articles that are considered to limit freedom of expression. In

⁴⁰ Syariful Alam et al., "Islamic Criminal Law Study on The Seizure of Corruptor Assets as an Indonesian's Criminal Sanction in The Future," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 143–56, <https://doi.org/10.31958/juris.v21i2.6722>.

⁴¹ Dominikus Jawa Parningotan Malau and Ciptono Ciptono, "Tantangan Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia," *Jurnal Usm Law Review* 7, no. 2 (2024): 1006–17.

the context of online gambling, people's legal awareness is often low, so law enforcement requires additional efforts to increase legal awareness in the community.⁴²

The implementation of the ITE Law requires close collaboration between various government agencies, such as the Ministry of Communication and Information, the Police, and the State Cyber and Cryptography Agency (BSSN). This cooperation is important to ensure that regulations are implemented effectively across all aspects of the digital space and also includes international cooperation, given the cross-border nature of cybercrime. The ITE Law, especially after its revision, cannot be separated from criticism. Some parties consider that this law still has articles that have the potential to be multi-interpreted and can be abused, such as in the case of defamation or the spread of hoaxes. This criticism has raised debate about the need for further revision or refinement of implementation guidelines to prevent abuse of authority and protect individual rights.⁴³

The implementation of the ITE Law also has an impact on the socio-economic aspects of the community. The government seeks to protect the public from the negative effects of gambling, such as financial losses and social destruction. However, for some people, online gambling is a source of income even though it is illegal. Therefore, law enforcement should also consider rehabilitation and reintegration measures for individuals involved in online gambling. The ITE Law must be integrated with prevention and public education efforts. Educational programs to improve people's digital literacy are very important so that they understand the risks and laws related to online activities, including gambling. This aims to prevent the younger generation from falling into illegal activities.⁴⁴

The ITE Law needs to continue to be developed to remain relevant to technological changes and new challenges. These legal dynamics demand flexibility in regulatory revisions and law enforcement approaches that are adaptive to global and regional trends in cybercrime. Overall, the dynamics of the implementation of the ITE Law reflect the complex and ongoing challenges of protecting society from digital crime, while maintaining a balance between law enforcement and the protection of individual rights.⁴⁵

⁴² Deny Haspada, "Tantangan Dan Solusi: Mengatasi Lemahnya Penegakan Hukum Di Indonesia," *Journal of Social and Economics Research* 5, no. 1 (2023): 298–310.

⁴³ Marisa Nabila and others, "Studi Literatur: Tantangan Dalam Menegakkan Hukum Keadilan Di Indonesia," *Jurnal Review Pendidikan Dan Pengajaran (Jrpp)* 7, no. 1 (2024): 127–33.

⁴⁴ Hera Ananda Putri, "Strategi Pencegahan Cyberstalking Dan Upaya Perlindungan Hukum," *Jurnal Batavia* 1, no. 3 (2024): 115–22.

⁴⁵ Lusia Sulastri, "Efektivitas Kerjasama Penegakan Hukum Antara Indonesia Dan Filipina Dalam Mengatasi Peredaran Dan Penyalahgunaan Narkotika," *Jurnal Hukum Sasana* 10, no. 1 (2024): 101–17.

The integration between the sanctions of the ITE Law and the *jarimah ta'zir* in handling online gambling can be done by combining the modern technological approach of the ITE Law with the social-moral sanctions applied in the *jarimah ta'zir*. The ITE Law emphasizes law enforcement through technology, such as blocking online gambling sites and imposing fines and prison sentences. However, online gamblers can often avoid blocking by using technology such as VPNs or new domains. Therefore, the integration of more sophisticated technologies, such as the use of artificial intelligence (AI) to detect and close gambling sites more quickly, can be combined with social-moral sanctions that emphasize on deterrent effects. The *jarimah ta'zir* approach that provides physical or public punishment, such as whipping or social work, can create shame and a deterrent effect in society, strengthening the enforcement of the ITE Law which is more technological in nature.

In addition, integration can be done by combining a rehabilitation-based approach from the *jarimah ta'zir* with stricter supervision of the ITE Law. ITE Law sanctions tend to focus on material punishment, but pay less attention to the rehabilitation aspect for online gamblers, who are often victims of addiction or economic pressure. *Jarimah ta'zir*, with its flexibility, offers the opportunity to implement rehabilitation programs that are educational and social, such as counseling, skills training, or spiritual guidance. This merger can be more effective if it is accompanied by continuous technological supervision, such as monitoring the online activities of perpetrators who have undergone rehabilitation, to ensure that they do not re-engage in online gambling.

The last step in integration is the harmonization between positive law (ITE Law) and sharia law (*jarimah ta'zir*), especially in areas that implement sharia such as Aceh. This harmonization allows the two legal systems to work in tandem, where the ITE Law still enforces the rules technologically and materially, while *jarimah ta'zir* provides sanctions that are more relevant to local social and religious norms. By balancing this approach, governments can create a more adaptive legal system, both at the local and national levels, and ensure that the approach to online gambling is holistic, combining technological, moral, and social aspects.

Conclusion

This study concludes that while the ITE Law plays a crucial role in combating online gambling through technological measures such as blocking websites and closing related accounts, its effectiveness remains limited. Data from the Ministry of Communication and Information Technology (Kominfo) shows that over 2.6 million online gambling sites were blocked in 2023, yet many of these sites resumed operations using new domains or advanced technologies like VPNs and cryptocurrencies. The lack of a substantial deterrent effect, combined with coordination issues between institutions and difficulties in tracking sites

hosted abroad, has further hindered its success. In contrast, the implementation of *jarimah ta'zir* in Aceh has demonstrated higher effectiveness. Public corporal punishment, such as whipping, contributed to a 35% decrease in online gambling cases in 2022. This approach creates a strong deterrent effect while addressing offenders' moral and social rehabilitation, making it particularly effective in areas with strong religious norms. Future research should focus on evaluating the integration of technological advancements from the ITE Law with the moral and rehabilitative aspects of *jarimah ta'zir*. Such integration could offer a more comprehensive legal framework to tackle online gambling, combining technological enforcement with social deterrence and rehabilitation. Moreover, further studies are needed to explore the feasibility and impact of applying *jarimah ta'zir*-inspired approaches in regions outside Aceh, where religious norms may not be as dominant. This integrated approach is expected to strengthen efforts to eradicate online gambling in Indonesia, enhance deterrence, and support the development of a legal framework that addresses both enforcement and social rehabilitation comprehensively.

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