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A Criminal Law Review of Social Media Advertisements Leading to Gambling and Illegal Activities in Indonesia

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Abstract: This research discusses the criminal law perspective on social media advertisements that lead to gambling and illegal activities in Indonesia. The development of information and communication technology has facilitated the spread of illegal advertisements, including online gambling, through social media platforms. Although gambling is prohibited under Article 303 of the Indonesian Criminal Code (KUHP) and Law No. 11 of 2008 on Electronic Information and Transactions (UU ITE), this practice remains prevalent with increasingly sophisticated marketing strategies, such as the use of influencers and referral codes. This research employs a normative juridical method to analyze the effectiveness of existing regulations, challenges in law enforcement, and effective criminal liability models. The findings indicate that while regulations provide a strong legal foundation, their implementation faces obstacles, such as difficulties in identifying perpetrators, low legal awareness among the public, and limited law enforcement resources. Therefore, this research recommends regulatory revisions, enhanced law enforcement capacity, and public education to more effectively address this phenomenon.

Keyword: Social Media Advertisements, Online Gambling, Criminal Law, KUHP, UU ITE, Law Enforcement.

INTRODUCTION

The development of information and communication technology has brought significant changes in various aspects of life, including the field of advertising. Social media, as one of the most widely used digital platforms, has become the primary medium for marketing and business promotion in the digital era (Zulva, 2023). However, despite its benefits, social media has also become a platform for spreading advertisements that lead to illegal activities, such as online gambling, fraudulent investments, and illegal online lending. This phenomenon raises serious concerns due to its negative impacts, both socially, economically, and legally (Abdurrazzaq & Rizka, 2024).

One of the most prevalent forms of illegal activities promoted on social media is illegal online lending. According to (Majid & Maskur, 2023) illegal online lending refers to digital loan services that operate without authorization from the Financial Services Authority (OJK) and often impose non-transparent interest rates and collection methods that do not comply with regulations. A concrete example of illegal online lending is the case of predatory loans that trap many victims with exorbitant interest rates and unreasonable penalties. For instance, numerous victims have reported borrowing Rp1 million, only to see their debt swell to tens of millions of rupiah in a short period due to daily interest rates and excessive penalties. Furthermore, debt collection is often carried out through intimidation tactics, such as the dissemination of personal data and threats against borrowers and their families (Hutapea, 2023).

In addition to illegal online lending, fraudulent investments also pose a serious threat in the digital world. These illegal investment schemes often promise high returns in a short period but lack a clear business foundation and ultimately result in fraud. According to (Ramadhana et al., 2023) illegal investments are often structured as Ponzi schemes or binary options, where returns are paid to early investors using funds from new investors until the system collapses, causing significant losses. A concrete example of fraudulent investment is the case of binary option platforms promoted by influencers on social media, where many people are enticed by promises of high, risk-free returns. As a result, numerous investors lost their entire funds after the investment system was either shut down or exposed as a scam (Affan & Saefudin, 2023).

The impact of the widespread illegal online lending and fraudulent investments not only harms individuals but also creates broader social and economic issues. Many victims experience psychological distress due to unpaid debts or the loss of their savings in illegal investments. Moreover, the rise of these illegal activities threatens economic stability and public trust in the digital financial system (Al Hafidu et al., 2023). Therefore, serious efforts from the government, the Financial Services Authority (OJK), and the public are needed to educate and protect themselves from the traps of illegal online lending and fraudulent investments that continue to evolve in the digital era.

According to a survey by (Alfarizi, 2024) more than 5,000 advertisements suspected of containing elements of gambling were found across various social media platforms in the past year. This poses a serious threat, as gambling is explicitly prohibited under Article 303 of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024). Although the government has made efforts to block illegal websites, these advertisements continue to appear through covert marketing strategies, such as influencer endorsements or the use of referral codes. Therefore, a more in-depth criminal law review is needed to identify regulatory weaknesses and determine the necessary steps to address this phenomenon.

In Indonesia, gambling is a prohibited activity under (Undang-Undang (UU) Nomor 7 Tahun 1974 Tentang Penertiban Perjudian, 1974). However, online gambling practices continue to grow rapidly, particularly through advertisements circulated on social media. These advertisements often employ attractive marketing strategies, such as offering large bonuses and easy access, which entice many people, including the younger generation. This not only violates the law but also has the potential to harm public morals and well-being.

Several studies have revealed the negative impact of online gambling advertisements on social media. (Abdurrazzaq & Rizka, 2024) in their research, highlighted the legal protection of electronic systems against online gambling advertisements circulating on Instagram. They found that despite regulations prohibiting gambling, enforcement remains weak, allowing these advertisements to spread easily. Additionally (Affan & Saefudin, 2023), in their criminological study on influencers promoting online gambling, discovered that many influencers are unaware of the legal consequences of their actions. This indicates the need for stricter law enforcement against individuals promoting such illegal activities.

In the context of criminal law, accountability for individuals who spread online gambling advertisements on social media has become a serious concern. (Al Hafidu et al., 2023) reviewed criminal law concerning slot-based gambling on electronic media and found that although there are criminal sanctions, the effectiveness of enforcement remains low. This is due to several factors, such as the difficulty in identifying offenders and the lack of legal awareness among the public. Furthermore (Desriwaty, 2023), in her dissertation, examined criminal liability for individuals promoting online gambling through social media and suggested the need for a revision of existing laws to make them more adaptable to technological developments.

Furthermore, (Majid & Maskur, 2023) reviewed the legality and legal responsibility of Instagram influencers in promoting online gambling. They found that many influencers are involved in such promotions without understanding the legal implications they may face. This highlights the need for more intensive education and socialization for social media users, especially those with significant influence, about the legal boundaries in advertising.

In an effort to address this issue, several legal steps have been taken. (Azhar & Soponyono, 2020) in their research on criminal law policies regarding the regulation and prevention of hate speech on social media, suggested that a similar approach could be applied to tackle online gambling advertisements. They emphasized the importance of collaboration between the government, social media platforms, and the public in creating a safe digital environment free from illegal activities.

Based on the above discussion, this study aims to examine the criminal law perspective on social media advertisements related to gambling and other illegal activities in Indonesia. Using a normative juridical approach, this research will analyze existing regulations, their implementation, and the challenges faced in law enforcement. The findings are expected to contribute to efforts in tackling illegal advertisements on social media and provide recommendations for improving regulations and law enforcement in the future.

METHOD

This study uses a normative juridical method with a statutory approach to understand the impact of this phenomenon. Data is collected through library research and analysis of relevant regulations. The analysis technique is conducted qualitatively and descriptively to identify legal gaps and the effectiveness of law enforcement in this case.

RESULTS AND DISCUSSION

Criminal Law Review of the Social Media Advertisement Phenomenon Leading to Gambling and Illegal Activities Based on the Criminal Code (KUHP) and the Information and Electronic Transactions Law (UU ITE)

The phenomenon of gambling advertisements and illegal activities on social media has become increasingly widespread with the rise of internet penetration in Indonesia. Technological advancements have enabled various digital platforms such as Facebook, Instagram, TikTok, Telegram, and YouTube to be used for promoting online gambling sites, both openly and covertly. The methods used vary, ranging from endorsements by influencers, the spread of hidden links, to offering referral bonuses for new users. This phenomenon not only violates social norms but also contradicts the applicable laws, particularly the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024). The issue of online gambling advertisements on social media has become a serious concern in the realm of criminal law in Indonesia.

Based on data from (Rizkinaswara, 2023) a total of 886,719 online gambling content pieces have been blocked from 2018 to mid-2023. However, this data also shows that despite continuous blocking efforts, gambling content continues to emerge with more advanced methods. In line with this, a study conducted by (Desriwaty, 2023) shows that many social

media influencers are involved in promoting online gambling due to substantial financial incentives. Online gambling endorsements are often disguised using terms such as "reward-based online games" or "fast investment platforms" to evade censorship and reporting.

To understand the extent of legal prohibitions on online gambling and illegal activities promoted through social media, the following table summarizes the legal provisions regulating gambling and the promotion of illegal activities under the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024).

Table 1. Legal Regulations on Gambling and Illegal Activities on Social Media

Regulation	Article	Provision	Sanction
Criminal (KUHP)	Code Article 303	Prohibits gambling and the operation of gambling establishments.	Maximum imprisonment of 10 years and/or a fine of Rp25 million.
Criminal (KUHP)	Code Article 303 bis	Prohibits participation in gambling.	Maximum imprisonment of 4 years and/or a fine of Rp10 million.
Electronic Information and Transactions Law (UU ITE)	Article 27(2)	Prohibits the distribution and transmission of electronic information containing gambling content.	Maximum imprisonment of 6 years and/or a fine of Rp1 billion.
Electronic Information and Transactions Law (UU ITE)	Article 40	Grants the government authority to block gambling sites and illegal content.	No specific criminal sanctions mentioned, but administrative measures such as blocking are imposed.

From the table, it can be concluded that the Criminal Code (KUHP) and the Electronic Information and Transactions Law (UU ITE) provide a strong legal foundation for prosecuting online gambling, including its organization, participation, and dissemination of related information. However, despite these regulations, online gambling continues to grow, especially through social media.

Criminal Law Analysis of Gambling Advertisements on Social Media Based on the Criminal Code (KUHP)

Gambling has long been categorized as a criminal offense in Indonesia's legal system. Article 303 of (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) explicitly prohibits the organization of gambling and imposes severe sanctions on violators, with a maximum prison sentence of 10 years and/or a fine of up to Rp25 million. Additionally, Article 303 bis of the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) prohibits individuals from participating in gambling, whether as players or promoters, with a maximum prison sentence of 4 years and/or a fine of Rp10 million.

With these provisions in place, any party that facilitates, advertises, or even simply shares information about gambling websites can be subject to criminal charges. However, the regulations in the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) have not yet specifically accommodated the advancements in digital technology. The (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) does not explicitly mention gambling in the context of online platforms, making it difficult to apply directly. As a result, in many cases, law enforcement authorities more frequently rely on the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) as the legal basis for prosecuting gambling promoted on social media.

According to (Al Hafidu et al., 2023) the main issue in applying the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) to online gambling is the lack of provisions addressing digital-based gambling methods, allowing many offenders to evade legal consequences by exploiting existing loopholes. Therefore, a revision of the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) that is more adaptive to technological advancements is necessary, or at the very least, a harmonization with other regulations such as the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) to provide stronger legal certainty in combating online gambling.

Analysis of the Electronic Information and Transactions Law (UU ITE) on the Dissemination of Gambling Advertisements on Social Media

Due to the limitations of the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) in addressing internet-based crimes, the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) has become the primary legal instrument for cracking down on online gambling promotions. Article 27(2) of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) explicitly prohibits the dissemination of electronic information containing gambling content, which includes advertisements, promotions, and links directing users to gambling websites. Violations of this provision can result in a prison sentence of up to 6 years and/or a maximum fine of Rp1 billion.

Additionally, Article 40 of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) grants authority to the Ministry of Communication and Informatics (Kominfo) to block gambling websites and social media accounts that spread gambling-related content. In recent years, Kominfo has blocked thousands of websites and accounts suspected of promoting online gambling. However, despite the government's blocking efforts, online gambling operators frequently employ techniques to evade detection, such as changing website domains, using VPNs, and disguising advertisement content. According to (Desriwaty, 2023) although the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) provides a stronger legal foundation for handling online gambling promotions, its implementation in practice still faces challenges, particularly in terms of monitoring and law enforcement, which remain suboptimal.

Therefore, more intensive cooperation between the government, law enforcement agencies, and social media platforms is needed to detect and combat the increasingly sophisticated practices of online gambling. Due to the limitations of the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) in addressing internet-based crimes, the Electronic Information and Transactions Law (UU ITE) has become the primary legal instrument for combating online gambling promotions. Article 27(2) of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) prohibits the dissemination of electronic information containing gambling content, which includes advertisements, promotions, and links directing users to gambling websites. Violations of this provision can result in a prison sentence of up to 6 years and/or a maximum fine of Rp1 billion.

Challenges in Law Enforcement Against Gambling Advertisements on Social Media

Although regulations in the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) and the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) have provided a clear legal foundation for addressing online gambling promotions, their implementation on the ground still faces various challenges. One of the main challenges is the changing strategies employed by perpetrators in promoting gambling on social media. Perpetrators now use increasingly sophisticated techniques to avoid monitoring, such as embedding gambling links in entertainment content, using ambiguous terms like "online games with prizes," and shifting to harder-to-monitor digital platforms such as Telegram and the dark web.

According to (Hutapea, 2023) efforts to monitor gambling advertisements on social media must be more innovative and adaptive, given the continuously evolving promotional methods that are becoming harder to track. Additionally, the lack of cooperation from social media platforms is also a hindrance to law enforcement efforts. Many digital platforms are still slow to respond to reports related to gambling content, citing privacy policies or limitations in automatic monitoring systems. As a result, even though gambling content has been reported, it often takes a long time to remove or deactivate the associated accounts, allowing the promotion of gambling to persist and attract more victims. Another challenge is the low level of legal awareness among the public, where many social media users are unaware that merely sharing or disseminating information about gambling sites can get them entangled in legal issues. Some individuals even intentionally become affiliates or promoters of online gambling sites, lured by tempting commissions, without understanding the legal risks they face.

According to (Majid & Maskur, 2023) efforts to enhance digital literacy and legal awareness among the public need to be improved so that social media users can be more cautious when interacting with gambling content and avoid engaging in illegal activities. Therefore, law enforcement against online gambling on social media must be comprehensive, not only through a repressive approach involving blocking and criminal prosecution, but also through a preventive approach in the form of public education, strengthening cooperation with digital platforms, and enhancing regulations that are more adaptive to technological developments.

To What Extent Can Existing Regulations Address The Issue Of Gambling Advertisements On Social Media, And What Are The Challenges In Their Law Enforcement?

The existing regulations, such as the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024)(Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) and the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) actually provide a solid legal foundation for addressing gambling advertisements on social media.

Articles 303 and 303 bis of the(Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) clearly state that all forms of gambling, including promotion and facilitation of gambling, are criminal acts that can incur severe penalties. Meanwhile, Article 27, paragraph (2) of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) strengthens this rule by prohibiting the dissemination of gambling-related information via electronic media, with penalties of up to 6 years in prison and a maximum fine of IDR 1 billion.

Additionally, Article 40 of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan

Transaksi Elektronik, 2024) grants the Ministry of Communication and Information Technology (Kominfo) the authority to block websites and social media accounts promoting online gambling. In practice, this regulation has been implemented by blocking thousands of websites and social media accounts suspected of being involved in gambling promotions.

However, the effectiveness of these regulations still faces various challenges, primarily due to the dynamic nature of social media and the perpetrators' ability to continuously adapt to new technologies. One of the main challenges in law enforcement against gambling advertisements on social media is the difficulty of monitoring and controlling content that spreads rapidly.

Many digital platforms, such as Facebook, Instagram, TikTok, and YouTube, use algorithms that allow gambling ads to continue appearing by disguising their content, such as using indirect language or embedding hidden links in video descriptions and comments. Perpetrators also often use accounts that can easily be recreated after one account is blocked, making it difficult for law enforcement to permanently stop gambling promotions. According to (Hutapea, 2023) many online gambling affiliates use viral marketing methods that are difficult to detect by automatic monitoring systems on social media platforms, so even when one account is shut down, promotions continue through other accounts.

In addition, the low level of cooperation from social media platform providers poses a barrier to efforts in eradicating online gambling advertisements. Although the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) has provided a legal basis for the government to take action against websites or accounts spreading gambling content, the response from technology companies is often slow. Some platforms have strict privacy policies, making it difficult for the government to request user data involved in illegal activities. Even when blocking measures are implemented, many perpetrators quickly change the website domain or shift to encrypted messaging apps like Telegram, which are harder for authorities to monitor.

Another challenge is the lack of legal awareness in society regarding the dangers and legal consequences of promoting online gambling. Many individuals unknowingly become involved in spreading gambling content, whether by sharing links, participating in affiliate programs, or simply interacting with accounts that promote gambling.

Some even intentionally become promoters due to the lure of high commissions, without understanding that they could be prosecuted under Article 303 bis of the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) and Article 27, paragraph (2) of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024). According to (Majid & Maskur, 2023), the low level of digital literacy in Indonesia is a major factor that makes the public vulnerable to online gambling promotions, both as victims and as perpetrators who are unaware of the legal consequences of their actions.

Therefore, to more effectively address the issue of gambling advertisements on social media, a more comprehensive approach is needed, one that does not solely rely on existing regulations. First, the government needs to improve cooperation with social media platforms so that monitoring gambling content can be done more quickly and efficiently.

Second, law enforcement agencies must develop more advanced investigation methods to track online gambling perpetrators, including utilizing artificial intelligence (AI) to detect patterns in gambling ad distribution. Third, education and socialization about the dangers of online gambling must be expanded so that the public is not easily tempted by ads promising instant profits.

Lastly, revisions to existing regulations, including the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) and (Undang-Undang

(UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024), need to be made so that they are more adaptive to technological developments and can close legal loopholes still exploited by online gambling perpetrators. With a combination of stronger regulations, tighter surveillance, and increased public awareness, it is hoped that the issue of gambling advertisements on social media can be significantly minimized.

The phenomenon of gambling advertisements on social media has become a serious concern in Indonesia, given its negative impact on society, particularly the younger generation. Although regulations such as the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) and the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) have established prohibitions on gambling, their effectiveness in addressing gambling advertisements on digital platforms still faces various challenges.

The (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) through Articles 303 and 303 bis, explicitly prohibits all forms of gambling, including organizing and participating in it. Meanwhile, Article 27, paragraph (2) of the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) prohibits the distribution or transmission of electronic information containing gambling content, with a maximum prison sentence of 6 years and/or a fine of up to IDR 1 billion. Additionally, Article 40 of the UU ITE grants the government the authority to block access to illegal electronic information, including gambling websites.

However, despite the existence of regulations, gambling advertisements on social media are still rampant. This indicates that the existing regulations have not been fully effective in addressing this issue. One of the contributing factors is the ability of perpetrators to exploit gaps in technology and law to avoid legal consequences.

The enforcement of law regarding gambling advertisements on social media faces several challenges. One significant issue is the complex *modus operandi* used by online gambling operators. These perpetrators often engage in well-organized and collective efforts, providing sophisticated infrastructure, payment systems, and advanced methods for depositing and withdrawing funds.

Furthermore, they take advantage of technologies such as Virtual Private Networks (VPNs) and cryptocurrencies to conceal their identities and operational locations. This makes it difficult for law enforcement agencies to track and eliminate their activities effectively. The role of influencers and social media celebrities is another significant challenge in combating gambling advertisements.

Many influencers and celebrities, particularly on platforms like Instagram, have been involved in promoting online gambling sites through their social media accounts. For instance, in 2023, a social media personality from Bogor, identified as SZM (22), was arrested for promoting online gambling on their platform. A similar incident occurred in Yogyakarta, where six influencers were apprehended for accepting promotional services for gambling websites. The involvement of these public figures complicates the efforts to eradicate gambling ads, as they wield significant influence over their followers, amplifying the reach and impact of such promotions.

Social media algorithms also play a crucial role in the spread of gambling advertisements. These platforms use algorithms that display content based on user preferences. If an individual has previously searched for or interacted with gambling-related content, the algorithm is likely to show more ads or similar content. This mechanism makes it easier for gambling advertisements to reach vulnerable users, thereby expanding the reach of gambling promotions and making them more pervasive. The limitations in regulations and supervision present

significant challenges in addressing online gambling, despite the legal foundation provided by the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024). The implementation of this law encounters several obstacles, particularly as many digital platforms are slow to respond to reports of gambling-related content, citing privacy policies or limitations in automated monitoring systems.

Furthermore, perpetrators frequently employ techniques to evade detection, such as changing website domains, using VPNs, and masking advertising content. These factors contribute to the ongoing difficulties in effectively controlling online gambling activities.

Real cases highlight the complexity of law enforcement regarding gambling advertisements on social media. One such case occurred in Yogyakarta in 2023, where the DIY Regional Police arrested six social media influencers suspected of promoting online gambling sites.

These influencers used their popularity to advertise these sites to their followers, many of whom were young people. Another case involved a social media influencer from Bogor, identified as SZM (22), who was arrested for promoting online gambling on her social media platforms. She admitted to receiving a payment of IDR 7 million for each promotion she carried out.

This case illustrates how the lure of financial gain can motivate individuals to engage in illegal activities. A report highlighted how social media algorithms contribute to the spread of online gambling advertisements. After searching for gambling-related content on Google, the individual was inundated with gambling ads on platforms such as Facebook and YouTube. This demonstrates how social media algorithms can facilitate the dissemination of gambling advertisements to vulnerable users.

Despite regulations like the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) and (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) that prohibit gambling and the distribution of gambling-related content, significant challenges remain in law enforcement.

The complex *modus operandi* of perpetrators, the involvement of influencers, social media algorithms, and the limitations in monitoring systems present major obstacles to combating gambling advertisements on digital platforms. A collaborative effort between the government, social media platforms, and society is essential to improve the effectiveness of law enforcement and reduce the negative impact of gambling ads on social media.

CONCLUSION

Based on the discussions above, this research emphasizes the importance of a criminal law review of social media advertisements related to gambling and illegal activities in Indonesia. Through the analysis, it can be concluded that, although regulations such as the (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP), 2023) and the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) provide a strong legal foundation to address online gambling practices, their implementation still faces various challenges.

The KUHP, through Articles 303 and 303 bis, and the (Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 2024) Article 27, Paragraph (2), explicitly prohibit all forms of gambling and the dissemination of electronic information related to gambling. However, the effectiveness of law enforcement is hindered by the complexity of perpetrators' *modus operandi*, the involvement of influencers, social media algorithms, and limitations in monitoring systems.

The findings of this study reveal that online gambling perpetrators continue to develop increasingly sophisticated strategies to avoid detection, such as using VPNs, cryptocurrencies, and disguising advertising content as entertainment or business opportunities. Furthermore, the lack of legal awareness among the public and the limited resources of law enforcement agencies exacerbate the situation. Collaborative efforts between the government, social media platforms, and society are essential to improve the effectiveness of law enforcement and address the growing challenges in combating online gambling.

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