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Law Enforcement Against Instagram Celebrities and Influencers Promoting Online Gambling Through Social Media Based on The Provisions of Article 27 Paragraph (2) in Conjunction With Article 45 Paragraph (3) of Law Number 1 of 2024

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Abstract: The development of information technology and the widespread use of social media have provided extensive opportunities for Instagram celebrities and influencers to disseminate various forms of information, promotion, and communication to the public. This situation has also been exploited by certain parties to promote online gambling through various social media platforms. Online gambling promotions conducted by Instagram celebrities and influencers have the potential to cause serious social impacts because they may increase public access to gambling activities and influence the behavior of social media users, particularly younger age groups. This phenomenon raises legal issues concerning the scope of criminal liability of Instagram celebrities and influencers who actively promote online gambling through social media. This research aims to analyze law enforcement against Instagram celebrities and influencers who promote online gambling through social media based on the provisions of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. This research employs a normative juridical method using a statutory approach and a conceptual approach. The legal materials used in this research consist of legislation, legal literature, scientific journals, and legal doctrines relating to online gambling offenses and criminal liability in the digital environment. The results of the research indicate that the actions of Instagram celebrities and influencers who intentionally distribute, transmit, or make accessible electronic information containing gambling content may be subject to criminal provisions under the Law on Electronic Information and Transactions. Law enforcement against such perpetrators requires proof of intent, the nature and extent of their involvement in promotional activities, and the relationship between the disseminated content and gambling activities. Law enforcement authorities must also consider electronic evidence, digital traces, the relationship between promoters and online gambling operators, and the financial benefits obtained from promotional activities. Consistent law enforcement is necessary to create a deterrent effect, protect the public, and establish a safe digital environment free from online gambling promotion.

Keywords: Law Enforcement, Instagram Celebrities, Influencers, Online Gambling, Social Media, Electronic Information and Transactions.

INTRODUCTION

The development of information and communication technology has brought about significant changes in modern society. Technological advancement has not only facilitated communication processes but has also transformed patterns of social interaction, economic activities, the dissemination of information, and the ways in which people obtain and convey various forms of information. The emergence of the internet has enabled people to communicate without being constrained by distance and time. Information that previously required a relatively long period to be delivered can now be received by the public within seconds through various electronic devices. These changes demonstrate that information technology has become an inseparable part of people's lives, including in carrying out various social and economic activities.

One form of information technology development that has had a significant impact on society is social media. Social media platforms such as Instagram, TikTok, YouTube, Facebook, X, and various other digital platforms have developed into communication tools with extremely broad reach. Initially, social media was primarily used to establish social relationships and share information. However, its functions have expanded to include marketing, promotion, commerce, entertainment, education, and personal branding. The ease of creating and disseminating content has made social media one of the most effective instruments for delivering messages to large numbers of people.

The development of social media has subsequently given rise to digital professions and public figures commonly known as celebrities and influencers. A social media celebrity, particularly a “selebgram,” refers to an individual who has considerable popularity and a relatively large number of followers on a particular social media platform, especially Instagram. An influencer, meanwhile, is an individual who has the ability to influence the views, behavior, interests, or decisions of their followers through content produced and disseminated through digital media. The existence of social media celebrities and influencers demonstrates that social media not only creates a space for communication but also establishes new forms of relationships between content creators and the public. Followers tend to pay attention to information, recommendations, lifestyles, and products introduced by such figures.

The influence of social media celebrities and influencers on society is primarily associated with the number of followers they have, their level of popularity, the intensity of their interaction with followers, and the degree of trust established through the content they publish. The greater the number of followers, the broader the reach of the information that can be conveyed. This condition is subsequently utilized by business actors to conduct marketing and promotional activities for various products and services. In practice, a social media celebrity or influencer may receive certain compensation for promoting products or services through photographs, videos, live broadcasts, stories, links, or other forms of digital content.

Promotional activities conducted through social media are essentially part of legitimate economic activities, provided that the objects being promoted do not violate the law. Legal problems arise when the ability of social media celebrities and influencers to influence the public is utilized to promote activities prohibited by laws and regulations. One form of such activity that has attracted considerable attention is online gambling. Online gambling represents a development of conventional gambling practices that utilize internet technology as a means of conducting and operating gambling activities. Through digital systems, individuals can access various gambling websites or platforms using computers, smartphones, or other electronic devices.

Online gambling has characteristics that distinguish it from conventional gambling. Such activities can be conducted from various locations as long as an individual has an electronic device and internet access. Online gambling also has a very rapid rate of dissemination because information concerning gambling websites can be distributed through various digital media. This condition makes gambling activities easier for members of the public to find and access. Such ease of access may ultimately increase the potential for people to become involved in gambling activities, including individuals who have never previously engaged in conventional gambling.

Gambling is essentially an activity that can have negative impacts on both individuals and society. Gambling can cause economic losses because individuals may lose substantial amounts of money as a result of dependence on gambling activities. In addition to economic losses, gambling can also give rise to various social problems, such as family conflicts, debt, disruption of social relationships, and the desire to obtain money through unlawful means. Under certain circumstances, the need to obtain funds to continue gambling activities may encourage individuals to commit other criminal offenses, such as fraud, embezzlement, theft, or other criminal acts.

The issue of gambling becomes increasingly complex when such activities are promoted through social media by social media celebrities and influencers. Their position as figures with large numbers of followers enables the information they convey to reach a broad segment of society within a short period. Online gambling promotions conducted through social media accounts may take the form of disseminating the names of gambling websites, providing links to gambling websites, distributing specific codes, giving testimonials regarding profits, publishing gambling results, or inviting users to try particular gambling websites. Such content can be packaged in a manner that makes it appear to be ordinary entertainment or information, even though its purpose is to increase the number of users of gambling websites.

The existence of gambling promotions through social media demonstrates a shift in the pattern of gambling dissemination. Whereas gambling promotions were previously conducted through conventional media or directly, technological developments now enable such promotions to be conducted through digital platforms with a much broader reach. Promotional content can also be redistributed by other users, meaning that its reach is not limited to the direct followers of the social media celebrity or influencer who originally created the content. This situation presents a particular challenge for law enforcement authorities in monitoring and taking action against such activities.

From the perspective of criminal law, the promotion of online gambling through social media may have legal consequences if it fulfills the elements of a criminal offense established by legislation. The prohibition against disseminating electronic information containing gambling content is regulated under Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. Article 27 paragraph (2) prohibits any person from intentionally and unlawfully distributing, transmitting, and/or making accessible Electronic Information and/or Electronic Documents containing gambling content. This provision constitutes an important legal basis for assessing the actions of individuals who use electronic media to disseminate or provide access to information containing gambling content.

This provision is particularly significant in addressing the development of gambling methods that utilize digital technology. Social media, as part of an electronic system, can be used as a means of disseminating information to the public. When an individual intentionally uses social media to disseminate content containing gambling material, the conduct must be analyzed based on the elements contained in the relevant legal provision. Such analysis should not only consider the existence of gambling content but must also examine the form of conduct undertaken by the perpetrator, the element of intent, the unlawful nature of the conduct, and

the relationship between the perpetrator's actions and the electronic information that was disseminated.

The criminal sanctions for such conduct are regulated under Article 45 paragraph (3) of Law Number 1 of 2024. This provision provides a legal basis for law enforcement authorities to take action against parties proven to have committed conduct prohibited under Article 27 paragraph (2). Accordingly, Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) provides a juridical foundation for enforcing the law against the dissemination of electronic information containing gambling content, including when such dissemination is conducted through social media.

Although legal provisions governing the prohibition and criminal sanctions against the dissemination of gambling content already exist, their application to social media celebrities and influencers continues to raise legal issues that warrant further examination. This is because a social media celebrity or influencer may conduct promotional activities based on cooperation with certain parties. In some circumstances, an influencer may not be the party operating the gambling activity but may merely receive payment for uploading or disseminating promotional materials. This situation raises the question of the extent to which an influencer may be held criminally liable for the gambling content that they promote.

This issue is closely related to the principle of criminal liability. A person's status as a social media celebrity or influencer cannot, by itself, constitute a basis for determining that the person has committed a criminal offense. Criminal liability must be determined based on the fulfillment of the elements of the criminal offense and the existence of fault on the part of the perpetrator. Law enforcement authorities must be able to prove that the actions carried out by the social media celebrity or influencer fulfill the applicable criminal provisions. Such proof becomes increasingly important because promotional activities through social media can be conducted in various ways and are not always presented openly.

In practice, an influencer may receive promotional materials from another party and subsequently upload them to social media. An influencer may also use persuasive language to attract followers' attention, provide links leading to particular websites, include referral codes, or convey information concerning the potential benefits that may be obtained from gambling activities. Such forms of promotion must be carefully analyzed to determine whether the conduct falls within the categories of distributing, transmitting, and/or making accessible electronic information containing gambling content as referred to in Article 27 paragraph (2) of Law Number 1 of 2024.

The element of intent is also an important aspect of the evidentiary process. Law enforcement authorities need to determine whether the social media celebrity or influencer knew the nature of the content being promoted and consciously published such content. If there is a cooperative relationship between the influencer and the operator of a gambling website, communications concerning promotional materials, payments, instructions to create specific content, and other digital evidence, all such information may be relevant to the evidentiary process. Digital traces, including electronic conversations, cooperation agreements, proof of transfers, social media posts, links, and other electronic data, may constitute important evidence for establishing the relationship between the party conducting the promotion and the party having an interest in disseminating gambling content.

Law enforcement against online gambling promotion also faces challenges arising from the dynamic nature of the digital environment. Content that has been uploaded can quickly be deleted, moved, copied, or redistributed by other users. This situation can complicate the process of collecting and securing evidence. Law enforcement authorities are therefore required to possess the capability to trace, identify, secure, and examine electronic evidence. Such capabilities are necessary to ensure that law enforcement does not rely solely on the perpetrator's confession but is also supported by evidence demonstrating the relationship

between the perpetrator, the gambling content, and the party who ordered or provided compensation for the promotion.

In addition to evidentiary issues, law enforcement against social media celebrities and influencers who promote online gambling is also related to the effectiveness of monitoring digital activities. The extremely large number of social media users means that law enforcement authorities face a broad area of surveillance. Various types of content are published through social media every day. This condition makes monitoring gambling-related content require effective methods, including the utilization of technology, inter-agency coordination, and public participation in reporting content suspected of containing gambling material.

Ultimately, law enforcement against online gambling is not only intended to punish perpetrators but also serves preventive and protective functions. Taking action against social media celebrities and influencers who promote gambling can convey the message that popularity and the number of followers cannot be used as reasons to disregard legal provisions. Every person who uses electronic media must continue to observe the legal limitations applicable to the dissemination of information to the public. Consistent law enforcement is expected to have a deterrent effect on other parties who intend to utilize the popularity of social media to promote gambling activities.

On the other hand, the application of the law to social media celebrities and influencers must also be carried out carefully and proportionately. Law enforcement should not be based solely on an individual's status as a public figure or on the number of followers they have. Law enforcement authorities must continue to uphold the principles of legality, legal certainty, and justice, as well as the principle that a person may only be held criminally liable if they are proven to have fulfilled the elements of a criminal offense and to have acted with fault. This is essential to maintain a balance between the interests of combating online gambling and protecting the rights of every individual throughout the legal process.

Another issue that needs to be considered is the possibility of differing interpretations regarding forms of gambling promotion through social media. Not every piece of content associated with a particular website can automatically be categorized as gambling promotion. Such determination requires an examination of the substance of the content, the context in which it is presented, the purpose of its publication, the nature of the relationship with the gambling operator, as well as the knowledge and intention of the party creating or disseminating the content. Therefore, a comprehensive legal analysis is required to ensure that the application of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 is carried out appropriately.

Based on the foregoing, it can be understood that the development of information technology and social media has created new forms of disseminating information concerning gambling. Social media celebrities and influencers occupy a strategic position because they are capable of reaching a broad segment of society through their social media accounts. Online gambling promotions conducted through social media have the potential to increase public access to gambling and expand the dissemination of activities prohibited by law. This condition creates a need for law enforcement that is effective, consistent, and capable of adapting to technological developments.

The provisions of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 constitute an important legal basis for analyzing the dissemination of electronic information containing gambling content. Their application to social media celebrities and influencers requires in-depth examination by considering the elements of the criminal offense, the form of conduct undertaken, intent, the unlawful nature of the conduct, criminal liability, and electronic evidence. Such an examination is also important for determining how law enforcement authorities address various obstacles in

uncovering and taking action against online gambling promotions conducted through social media.

Research on law enforcement against social media celebrities and influencers who promote online gambling is highly relevant to the development of criminal law in the digital era. This research does not merely examine the existence of prohibitions against online gambling but also analyzes how criminal provisions are applied to parties who play a role in disseminating gambling-related information through social media. This study is expected to provide an understanding of the limits of criminal liability applicable to social media celebrities and influencers and to provide an overview of law enforcement measures that may be taken against gambling promotions conducted through electronic media.

Based on the foregoing discussion, it can be understood that the development of information technology has provided substantial benefits to society while simultaneously creating various new challenges for the legal system. Social media, which should serve as a means of communication, information dissemination, and economic activity, can be misused to disseminate activities that violate the law. Online gambling promotion through the accounts of social media celebrities and influencers constitutes one form of misuse of digital media that requires serious attention from the perspective of criminal law. Popularity, the number of followers, and the ability to influence the public can cause such promotions to have a broader impact than promotions conducted by ordinary social media users.

Therefore, research is necessary to examine, from a juridical perspective, law enforcement against social media celebrities and influencers who promote online gambling through social media. Such research is important for determining how Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 is applied, how the elements of the criminal offense are fulfilled in cases involving online gambling promotion, the form of criminal liability that may arise, the manner in which the relevant content and digital traces may be proven, and the obstacles faced by law enforcement authorities in taking action. The results of this research are expected to make an academic contribution to the development of criminal law in the field of information technology and provide practical benefits for law enforcement authorities and the public in addressing the development of online gambling offenses.

Based on the foregoing background, the research questions in this study are as follows:

1. How is the criminal liability of social media celebrities and influencers who promote online gambling through social media assessed under Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024?
2. How is law enforcement carried out against social media celebrities and influencers who promote online gambling through social media based on the provisions of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024?

RESEARCH METHODS

Type of Research

The type of research employed in this study is normative legal research (juridical normative research). Normative legal research is conducted by examining and analyzing legal norms contained in legislation, court decisions, legal doctrines, and various literature relevant to the legal issues under investigation. This research does not focus on collecting primary data through interviews or field observations but instead emphasizes the examination of legal norms governing the issues that constitute the subject matter of the research.

The selection of normative legal research is based on the research object, which focuses on law enforcement against Instagram celebrities and influencers who promote online gambling through social media based on the provisions of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024. This research examines

the conformity between the act of promoting online gambling through social media and the elements of criminal offenses as regulated by the applicable laws and regulations.

This research also aims to analyze how criminal law provisions are applied to parties who promote online gambling through social media, particularly when the perpetrators are Instagram celebrities or influencers who have a large number of followers and the ability to influence the public. Therefore, this research does not merely examine the existence of legal norms but also analyzes the application of those norms to the concrete conduct constituting the object of the research.

Law Number 1 of 2024 constitutes the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions and amends several provisions of the Electronic Information and Transactions Law, including provisions concerning prohibited acts and criminal sanctions. Therefore, normative legal research is employed to obtain an understanding of the legal framework that may be used to determine criminal liability for Instagram celebrities and influencers involved in promoting online gambling.

This research is subsequently conducted by inventorying, identifying, classifying, and analyzing various legal provisions related to online gambling, the use of social media, electronic information, criminal liability, and law enforcement. The results of the analysis are then used to answer the legal issues formulated in the research.

Research Approaches

This research employs several legal research approaches in an integrated manner to obtain comprehensive analytical results. The approaches used in this research consist of the statutory approach, conceptual approach, and case approach.

a. Statutory Approach

The statutory approach is an approach conducted by examining all laws and regulations relevant to the legal issues under investigation. This approach is used to identify, understand, and analyze legal provisions governing gambling, electronic information, social media, online gambling promotion, and the criminal liability of perpetrators.

The principal legislation examined in this research includes the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, as well as other laws and regulations relevant to gambling offenses and the use of electronic systems.

The statutory approach is specifically employed to analyze the legal construction of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 and its relationship with criminal law provisions concerning gambling. Law Number 1 of 2024 is currently in force and constitutes the second amendment to the Electronic Information and Transactions Law.

b. Conceptual Approach

The conceptual approach is an approach conducted by examining concepts, principles, theories, and legal doctrines developed within legal scholarship. This approach is used to provide a theoretical foundation for analyzing issues concerning law enforcement against Instagram celebrities and influencers who promote online gambling.

The legal concepts analyzed include the concepts of law enforcement, criminal offenses, criminal liability, fault, intent, gambling, promotion, social media, electronic information, Instagram celebrities, influencers, and the concept of parties who may be held criminally liable.

The conceptual approach is necessary because the terms “Instagram celebrity” and “influencer” have developed alongside advances in information technology and social media. Therefore, this research needs to connect these evolving concepts with concepts in

criminal law in order to determine the legal position of Instagram celebrities and influencers when they engage in online gambling promotion activities.

c. Case Approach

The case approach is an approach conducted by analyzing cases or court decisions relevant to the legal issues under investigation. This approach is used to determine how legal provisions concerning online gambling promotion through electronic media are applied in law enforcement practices.

The case approach may be employed to examine court decisions concerning online gambling offenses, the dissemination or distribution of electronic information related to gambling, as well as cases involving parties who promote gambling through social media.

Through the case approach, this research can compare the normative provisions contained in legislation with their application in practice. This approach can also be used to identify the legal considerations of judges in determining whether the elements of a criminal offense have been fulfilled and in determining the form of criminal liability imposed upon the perpetrator.

Legal Materials

The legal materials used in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials.

a. Primary Legal Materials

Primary legal materials are legal materials that have binding legal force and serve as the principal sources for analyzing the research issues. The primary legal materials used in this research include:

- The 1945 Constitution of the Republic of Indonesia;
- Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions;
- Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016 and most recently by Law Number 1 of 2024;
- Law Number 1 of 2023 concerning the Criminal Code, which came into force on January 2, 2026;
- Other laws and regulations relating to gambling, electronic systems, social media, and law enforcement;
- Court decisions relating to online gambling offenses and the promotion of gambling through electronic media; and
- Implementing regulations relating to the operation of electronic systems and the supervision of digital activities.

These primary legal materials are used to identify legal norms governing the promotion of online gambling through social media and to determine the legal basis that may be applied in enforcing the law against Instagram celebrities and influencers.

b. Secondary Legal Materials

Secondary legal materials are legal materials that provide explanations, interpretations, and opinions concerning primary legal materials. The secondary legal materials used in this research include criminal law textbooks, cyber law textbooks, books concerning gambling offenses, books concerning criminal liability, scientific journals, academic articles, research findings, undergraduate theses, master's theses, doctoral dissertations, and opinions of legal scholars.

Secondary legal materials are used to provide a theoretical and conceptual foundation for analyzing the research issues. These materials are also used to obtain

scholarly opinions concerning law enforcement, criminal liability, elements of criminal offenses, fault, intent, and developments in criminal offenses within the digital sphere.

c. Tertiary Legal Materials

Tertiary legal materials are legal materials that provide guidance and explanations concerning primary and secondary legal materials. The tertiary legal materials used in this research include legal dictionaries, the Kamus Besar Bahasa Indonesia (Great Dictionary of the Indonesian Language), legal encyclopedias, legal indexes, and other reference sources that assist in understanding the legal terminology used in this research.

Tertiary legal materials are used as supporting materials to understand specific terms relating to online gambling, social media, promotion, influencers, Instagram celebrities, electronic information, criminal offenses, and law enforcement.

Technique for Collecting Legal Materials

The technique for collecting legal materials in this research is conducted through library research. Library research is carried out by collecting, reading, identifying, inventorying, classifying, and examining various legal materials relevant to the research issues.

Primary legal materials are collected by tracing and compiling laws and regulations relating to online gambling offenses, the use of electronic media, social media, and criminal liability. These laws and regulations are subsequently classified according to their hierarchy and relevance to the object of the research.

Primary legal materials are also obtained by examining court decisions concerning online gambling offenses and the use of social media as a means of conducting or promoting gambling activities. Relevant decisions are subsequently examined to determine how legal norms are applied in law enforcement practice.

Secondary legal materials are collected by examining legal textbooks, scientific journals, academic articles, research findings, undergraduate theses, master's theses, doctoral dissertations, and scholarly opinions concerning criminal law, law enforcement, criminal liability, online gambling, cyber law, social media, Instagram celebrities, and influencers.

Tertiary legal materials are collected through the examination of legal dictionaries, the Kamus Besar Bahasa Indonesia, legal encyclopedias, and other reference sources used to clarify meanings or terminology contained in primary and secondary legal materials.

All legal materials that have been collected are subsequently inventoried and classified according to the principal issues of the research. The classified legal materials are then analyzed based on the relationship between one legal norm and another. This process is conducted to obtain legal materials that are relevant, systematic, and capable of serving as a basis for answering the research questions.

Accordingly, the technique for collecting legal materials in this research is systematically conducted through library research, with emphasis placed on examining legislation, court decisions, legal literature, scientific journals, and legal doctrines relating to law enforcement against Instagram celebrities and influencers who promote online gambling through social media.

DISCUSSION

Criminal Liability of Instagram Celebrities and Influencers Who Promote Online Gambling through Social Media in Light of Article 27 Paragraph (2) in Conjunction with Article 45 Paragraph (3) of Law Number 1 of 2024

Criminal liability is one of the fundamental concepts in criminal law concerning the circumstances under which an individual may be held accountable for a criminal offense committed by that person. Criminal liability is not merely based on the existence of conduct

that contravenes legal provisions but also requires the existence of fault attributable to the perpetrator. Criminal law recognizes the principle that a person cannot be punished merely because an event has produced a particular consequence. Rather, it must be established that the person committed conduct satisfying the elements of a criminal offense and that a relationship existed between such conduct and the perpetrator's mental state. This principle is essential in determining the criminal liability of Instagram celebrities and influencers who use social media as a means of promoting online gambling.

The development of information technology has brought significant changes to society, including in the fields of communication, commerce, marketing, entertainment, and information dissemination. Social media, which was initially used primarily as a means of communication between users, has developed into an instrument with economic and commercial functions. Instagram, TikTok, YouTube, Facebook, and various other digital platforms enable individuals to communicate information to the public within a relatively short period and with a very broad reach. This condition has given rise to new professions, including Instagram celebrities and influencers, who generate income through promotional activities, endorsements, digital marketing, and other forms of commercial cooperation.

An Instagram celebrity is an individual who gains popularity through the Instagram platform, whereas an influencer has a broader meaning because an influencer may establish influence through various social media platforms. The existence of Instagram celebrities and influencers is determined not only by the number of followers but also by their ability to shape the opinions, preferences, interests, and behavior of their followers. Followers generally place a certain degree of trust in information conveyed by influencers. This condition causes any information or product promoted by an influencer to have the potential to attract significant public attention.

These characteristics create legal issues when social media is used as a means of promoting online gambling. Online gambling promotions may take various forms, including image uploads, videos, live broadcasts, stories, comments, links, referral codes, information concerning bonuses, or direct invitations to followers to register on gambling websites. Promotional content may also be disguised as entertainment or games, making it appear similar to ordinary content. This situation presents challenges for law enforcement authorities in determining whether a promotional activity fulfills the elements of a criminal offense.

Normatively, Article 27 paragraph (2) of Law Number 1 of 2024 prohibits any person from intentionally and unlawfully distributing, transmitting, and/or making accessible Electronic Information and/or Electronic Documents containing gambling content. This provision demonstrates that criminal law in the digital sphere is not directed solely at parties who operate or manage gambling activities but may also apply to parties who disseminate electronic information containing gambling content when all elements of the criminal offense have been fulfilled.

The legal subject under Article 27 paragraph (2) is expressed through the phrase "every person." The use of this phrase demonstrates that the criminal provision does not restrict its subjects based on occupation, position, social status, educational background, popularity, or the number of followers. Therefore, Instagram celebrities and influencers, in principle, have the same legal status as every other person. A person's popularity does not provide legal immunity and cannot constitute a basis for disregarding criminal provisions. Conversely, being an Instagram celebrity or influencer cannot, by itself, constitute sufficient grounds for concluding that a person has committed a criminal offense.

The criminal provision concerning violations of Article 27 paragraph (2) is contained in Article 45 paragraph (3) of Law Number 1 of 2024. This provision stipulates that any person who intentionally and unlawfully distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content as referred to in Article

27 paragraph (2) may be punished with imprisonment for a maximum of 10 years and/or a fine of up to IDR 10,000,000,000.00. This criminal sanction demonstrates that the legislature considers the dissemination of gambling content through electronic systems to be an act of significant seriousness.

Criminal liability for Instagram celebrities and influencers must be analyzed based on the elements contained in Article 27 paragraph (2). The first element is “every person.” This element constitutes a legal-subject element with broad coverage. Instagram celebrities and influencers, as individuals, fall within the meaning of every person insofar as they qualify as legal subjects capable of being held criminally liable. No provision provides an exception to an individual merely because that person works as an influencer or has a large number of followers.

The position of an Instagram celebrity or influencer as a legal subject becomes relevant when the person takes active steps to disseminate online gambling promotions. An influencer who creates content, uploads videos, displays links to gambling websites, provides referral codes, communicates information about bonuses, or invites followers to register on gambling websites may be regarded as having committed prohibited conduct if such actions fulfill the elements established by law.

The second element concerns the acts of “distributing, transmitting, and/or making accessible Electronic Information and/or Electronic Documents.” This element is closely related to the characteristics of social media. Social media constitutes an electronic medium that enables users to create, store, send, disseminate, and access information. When an influencer uploads content through a social media account that can be viewed by followers or the general public, such information can be disseminated broadly and rapidly.

The act of distributing may be understood in relation to the dissemination of electronic information to other parties. The act of transmitting relates to the sending or forwarding of electronic information from one party to another. Meanwhile, making electronic information accessible concerns an act that causes particular information or electronic documents to become reachable or obtainable by other parties. In the context of social media, these three forms of conduct may be relevant depending on the manner and form of the conduct undertaken by the perpetrator.

Online gambling promotional content may take the form of written material mentioning the name of a gambling website, images displaying the logo or identity of a gambling website, videos showing gambling mechanisms, links directing users to gambling websites, referral codes used for registration, or information concerning bonuses and benefits offered. When such content is intentionally disseminated through social media and contains gambling content, the conduct must be assessed against the elements of Article 27 paragraph (2).

The next element concerns Electronic Information and/or Electronic Documents. In the development of digital technology, information is no longer limited to written materials contained in physical documents but may also consist of digital data in various forms. Social media posts, images, videos, audio recordings, electronic messages, comments, links, and other forms of digital data may fall within the scope of Electronic Information or Electronic Documents under the applicable laws and regulations.

This condition makes social media a highly relevant space for the application of criminal provisions in the field of information technology. An influencer who uploads a video promoting online gambling cannot simply regard such conduct as ordinary communication. When the video contains gambling promotion and is intentionally disseminated to the public, the content may constitute evidence for determining whether the elements of a criminal offense have been fulfilled.

Another important element is that the information “contains gambling content.” This constitutes a material element because not all information relating to gambling can

automatically be categorized as information containing gambling content for criminal law purposes. Law enforcement authorities must examine the substance and context of the information disseminated. Information that merely discusses gambling in the context of journalism, education, research, or legal criticism cannot automatically be equated with content that actively offers or promotes gambling activities.

Online gambling promotion may be identified through invitations to the public to gamble, the provision of registration links, referral codes, information regarding bonuses, information concerning deposits and withdrawals, and other forms of communication intended to encourage the public to use gambling services. Such content has characteristics different from information that merely discusses gambling as a social or legal phenomenon.

The determination of whether content contains gambling material must be based on the overall context of the content. Law enforcement authorities need to consider whether the information directs users to a gambling website, whether it contains an invitation to register, whether it offers economic benefits, and whether it provides public access to gambling activities. Such a contextual approach is necessary to prevent excessive application of the law while maintaining protection for freedom of expression guaranteed by law.

Another important element is the phrase “intentionally.” Intent concerns a person's mental state when performing an act. In cases involving online gambling promotion, intent may be inferred from various circumstances accompanying the conduct. For example, an influencer may receive a cooperation offer from a particular party, receive promotional materials, know the identity of the promoted website, receive compensation, and then consciously upload the materials through the influencer's social media account.

Intent may also be assessed through communications between the influencer and the party offering the promotional service. Electronic messages, cooperation agreements, payment records, promotional materials, and other forms of communication may be used to determine whether the perpetrator was aware of the nature of the content being promoted. The conscious use of referral codes, provision of instructions to followers, and repeated promotion on several occasions may also constitute circumstances considered in the evidentiary process.

Nevertheless, intent cannot be inferred solely from a person's profession. An Instagram celebrity or influencer cannot be deemed to have intentionally committed a criminal offense merely because the person received an endorsement offer or had a relationship with a particular party. Law enforcement authorities must establish that the perpetrator knew and intended the conduct in question. Such proof must be based on legally admissible evidence and examined through the applicable legal process.

The element of “unlawfully” or “without right” is also important in determining criminal liability. This element indicates that the conduct has no legal basis that justifies the act. In the context of online gambling promotion, a contractual relationship between an influencer and an employer does not automatically confer a legal right to disseminate gambling content prohibited by law. An endorsement agreement cannot constitute a justification for conduct that contravenes criminal law.

Accordingly, when an influencer receives payment to promote a gambling website, such payment does not eliminate the unlawful nature of the conduct. The business relationship between the influencer and the party providing the assignment must be distinguished from the assessment of the legality of the object being promoted. When the promoted object constitutes an activity prohibited by law and the influencer's conduct fulfills the elements of a criminal offense, the contractual relationship cannot serve as a basis for eliminating criminal liability.

Criminal liability must also be distinguished between a party operating gambling activities and a party promoting such activities. An operator or administrator of a gambling website has a different role from an influencer who promotes the website. However, the difference in roles does not automatically exempt the influencer from criminal liability. When

the promotional conduct independently fulfills the elements of Article 27 paragraph (2), the influencer may be held liable for their own conduct.

This distinction in roles is important because criminal liability must be based on the concrete conduct of each perpetrator. An influencer does not have to be the owner of a gambling website to be held criminally liable. Conversely, a person cannot be punished merely because they have a business relationship with a gambling operator when there is no evidence that the person committed conduct fulfilling the elements of a criminal offense.

In law enforcement practice, proving online gambling promotion also presents particular challenges. Digital content can be deleted by perpetrators after publication. Social media accounts may use aliases or pseudonyms. Gambling links may change rapidly, while content may be redistributed by other users. Therefore, the investigative process requires the ability to properly secure and examine electronic evidence.

Electronic evidence is important in establishing the relationship between an influencer and a gambling operator. Such evidence may include screenshots, video recordings, social media posts, electronic communications, transfer records, cooperation agreements, account data, website links, and other forms of digital data. Such evidence must be obtained and examined in accordance with evidentiary rules so that it can be used in criminal proceedings.

Another aspect that must be considered is the principle of fault. Criminal liability generally requires the existence of fault on the part of the perpetrator. Therefore, a person cannot be held criminally liable merely because gambling content is found on a social media account associated with that person without evidence of that person's involvement and intent. Law enforcement authorities must establish who created the content, who uploaded it, who provided the instructions, who received payment, and what relationship existed between the perpetrator and the gambling operator.

The distinction between ordinary social media users and influencers must also be considered proportionately. A social media user who inadvertently receives gambling content cannot be equated with an influencer who actively creates and disseminates gambling promotions. A user who merely views content also occupies a different legal position from a party who intentionally makes such content accessible to the public.

Active promotional conduct may constitute an important indicator in determining criminal liability. For example, an influencer may create a video inviting followers to engage in online gambling, include a registration link, provide a referral code, explain available bonuses, and receive compensation based on the number of users who register. Such a series of actions indicates conduct that goes beyond merely providing information. Nevertheless, the final determination must remain based on the fulfillment of the criminal elements and the evidence presented in the specific case.

The social impact of online gambling promotion is also an important reason for the state to enforce the law. Promotions through influencers can reach broad segments of society, including individuals who previously had no knowledge of a particular gambling website. An influencer's popularity can make promotional content appear more attractive and trustworthy to followers. This condition may expand public access to gambling and increase the number of individuals exposed to online gambling activities.

Criminal liability for Instagram celebrities and influencers therefore plays an important role in establishing the boundary between lawful promotional activities and promotional activities that violate the law. The freedom to conduct economic activities and use social media must still be exercised within the framework of applicable law. Every person has the freedom to engage in commercial activities, but such freedom cannot be used to legitimize activities prohibited by legislation.

Law enforcement must also be conducted selectively, objectively, and on the basis of evidence. An influencer's popularity must not cause law enforcement authorities to provide

preferential treatment. Conversely, popularity must not be used as a reason to impose a harsher assessment on an individual without a legal basis. The principle of equality before the law requires that every person who fulfills the elements of a criminal offense be processed in accordance with applicable legal provisions.

Based on the foregoing analysis, the criminal liability of Instagram celebrities and influencers who promote online gambling may be imposed pursuant to Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 when all elements of the criminal offense can be established. These elements include the subject “every person,” the act of distributing, transmitting, and/or making Electronic Information and/or Electronic Documents accessible, the existence of gambling content, intentional conduct, and the absence of legal authorization or right to engage in such conduct.

Criminal liability does not arise merely because an individual works as an Instagram celebrity or influencer. The basis of liability lies in the concrete conduct performed, the mental state of the perpetrator, and the fulfillment of the elements of the criminal offense. An influencer who knowingly and unlawfully disseminates content containing gambling material may be held criminally liable even if the influencer is not the owner or operator of the gambling website. This is because the promotional conduct itself may fulfill the elements of the criminal offense stipulated in Article 27 paragraph (2).

The criminal sanctions under Article 45 paragraph (3), namely imprisonment for a maximum of 10 years and/or a fine of up to IDR 10,000,000,000.00, demonstrate that the dissemination of gambling content through electronic systems is regarded as a serious offense. This provision provides a legal basis for law enforcement authorities to take action against parties who actively exploit social media as a means of disseminating online gambling promotions.

Accordingly, it can be affirmed that criminal liability for Instagram celebrities and influencers involved in online gambling promotion must be established through an approach that prioritizes the principle of legality, the principle of fault, legal certainty, and proof of all elements of the criminal offense. Social status, popularity, number of followers, and occupation as an influencer do not eliminate criminal liability when an individual is proven to have committed a criminal offense. Conversely, an individual cannot be punished solely on the basis of suspicion or merely because of an association with a gambling operator. Criminal liability must be based on actual conduct, demonstrable intent, the unlawful nature of such conduct, and the fulfillment of all elements of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024.

Law Enforcement Against Instagram Celebrities and Influencers Who Promote Online Gambling Through Social Media Based on Article 27 Paragraph (2) in Conjunction with Article 45 Paragraph (3) of Law Number 1 of 2024

Law enforcement against the promotion of online gambling through social media constitutes part of the State’s efforts to create a safe, orderly, and secure digital environment free from the misuse of information technology. The development of information technology has facilitated communication, access to information, social networking, and economic activities. Such developments have also given rise to various forms of crime that exploit technology as a means of committing criminal offenses. One form of information technology abuse that has developed significantly is online gambling. Gambling, which was previously conducted conventionally by bringing operators and players together in person, can now be conducted through the Internet using various electronic devices and digital platforms.

Online gambling has characteristics that distinguish it from conventional gambling because it can be conducted across geographical boundaries and within a relatively short period. A person can access a gambling website simply by using a smartphone connected to

the Internet. This accessibility has increased further as gambling operators have begun to utilize social media as a promotional medium. Promotion may take various forms, including photo posts, videos, stories, live broadcasts, comments, private messages, website links, referral codes, and commercial cooperation with account owners who have large numbers of followers. This condition has transformed social media from merely a means of communication into an instrument that can also be used to expand the reach of online gambling.

In this context, Instagram celebrities and influencers occupy a strategic position because they have the ability to influence the behavior of their followers. Their popularity and large number of followers enable information disseminated through their accounts to attract the attention of a large segment of society. When an Instagram celebrity or influencer promotes an online gambling website, such promotion may create a form of social legitimacy for gambling activities and increase the likelihood that members of the public will access the promoted website. Therefore, the promotion of gambling through social media requires serious attention from the perspective of criminal law enforcement.

Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions constitutes one of the legal bases used to address various forms of misuse of information technology. The legislation was enacted to provide legal certainty in the operation of electronic systems while protecting the interests of society from the unlawful use of information technology. One provision directly relevant to online gambling is Article 27 paragraph (2), which prohibits any person from intentionally and without authority distributing, transmitting, and/or making accessible Electronic Information and/or Electronic Documents containing gambling content.

This provision is significant in addressing the development of online gambling because gambling-related offenses are not limited to playing or organizing gambling activities but may also involve the dissemination of information containing gambling content. The promotion of gambling through social media may constitute one form of conduct that must be examined under this provision. The determination of criminal liability must nevertheless take into account all elements of the offense and establish the concrete acts committed by the perpetrator.

Law enforcement against the promotion of online gambling is not limited to imposing criminal sanctions after a criminal offense has occurred. Law enforcement encompasses a series of processes beginning with prevention, monitoring, detection of suspected criminal offenses, preliminary investigation, investigation, prosecution, judicial examination, and enforcement of court decisions. These stages are necessary to ensure that efforts to eradicate online gambling are carried out comprehensively. Law enforcement that focuses solely on arresting perpetrators without preventing and disrupting the means used for gambling activities will face difficulties because perpetrators can easily create new accounts and resume distributing gambling-related content.

The first stage of law enforcement is prevention. Preventive measures are intended to reduce the likelihood of criminal offenses occurring while preventing the dissemination of gambling content to the public. Within the framework of the Electronic Information and Transactions Law, the Government has the authority to prevent the dissemination and use of Electronic Information and/or Electronic Documents containing prohibited content under applicable laws and regulations. The Government may also terminate access to and/or order Electronic System Operators to terminate access to information or electronic documents containing unlawful content.

In cases involving the promotion of online gambling, preventive measures may be implemented by monitoring various social media platforms. Such monitoring aims to identify accounts that disseminate gambling-related content, detect promotional patterns, identify the websites being used, and determine relationships between promotional accounts and gambling operators. Terminating access to gambling-related content or websites is also an instrument for

reducing public access to gambling activities. Such measures are important because social media is characterized by extremely rapid information dissemination. Content uploaded by an influencer with a large number of followers can reach a broad audience within only a few minutes.

In addition to access termination, prevention may be carried out through public education regarding the dangers of online gambling. The public needs to understand that online gambling is not merely a form of entertainment but may cause economic losses, social problems, family conflicts, and various other negative consequences. Education should also be provided to social media users regarding the legal consequences of disseminating or promoting gambling-related content. With adequate understanding, members of the public are expected to be less susceptible to online gambling offers and less likely to distribute content containing gambling material.

The next stages are preliminary investigation and investigation. A preliminary investigation serves to determine whether an event may reasonably be suspected of constituting a criminal offense. Once sufficient grounds exist, the process may proceed to investigation for the purpose of locating and collecting evidence to clarify the criminal offense and identify the suspect. Article 43 of the Electronic Information and Transactions Law grants investigative authority to Investigators of the Indonesian National Police and certain Civil Servant Investigators within government institutions whose duties and responsibilities concern Electronic Information Technology and Transactions.

In cases involving Instagram celebrities and influencers, investigations present particular challenges because the subject matter of the alleged offense exists within the digital environment. Investigators must be able to identify the owner of an account, secure published content, establish the time of publication, and determine the relationship between the promoter and the party operating the online gambling activity. Digital content may also be deleted by the account owner, making the preservation of electronic evidence particularly important. If evidence is not secured promptly, it may disappear or be altered.

Evidence that may need to be obtained in cases involving the promotion of online gambling includes screenshots of content, video recordings, upload data, links to gambling websites, communications between influencers and gambling operators, payment records, bank accounts, electronic transactions, referral codes, cooperation agreements, and other electronic data. Such evidence is necessary to establish that the perpetrator committed the prohibited conduct and had a connection with the promotion of online gambling. Investigators must also ensure the authenticity and integrity of electronic evidence so that such evidence possesses evidentiary value in judicial proceedings.

Electronic Information and Electronic Documents have an important position in technology-based criminal cases. The existence of electronic evidence enables law enforcement authorities to uncover conduct that may be difficult to establish through conventional evidence. Communications between an influencer and a gambling website operator, for example, may provide information regarding the form of cooperation, payment amounts, publication schedules, and instructions concerning the content to be delivered. Transactional evidence may also be used to establish whether compensation was provided for promotional activities.

The investigation should not merely be directed toward establishing the existence of gambling content but should also uncover the motives and relationships among the parties involved. If an influencer receives payment to promote a gambling website, investigators need to examine the nature of the agreement between the parties. Such examination is important for distinguishing ordinary social media users from parties who actively promote gambling for commercial purposes. Nevertheless, the existence of payment alone does not constitute the sole

basis for criminal liability. The evidence must still establish the fulfillment of the elements of the criminal offense prescribed by law.

Law Number 1 of 2024 also grants investigators certain powers to take action against electronic systems associated with suspected criminal offenses. Under circumstances prescribed by law, investigators may order Electronic System Operators to temporarily terminate access to social media accounts, bank accounts, electronic money, and/or digital assets. Such access termination may include blocking social media accounts, bank accounts, electronic money, domain names, IP addresses, and/or digital assets in accordance with applicable legal provisions.

This authority demonstrates that law enforcement against online gambling is directed not only at individuals as perpetrators but also at the means used to commit criminal offenses. Blocking or terminating access serves to prevent perpetrators from continuing their activities and to prevent members of the public from accessing gambling-related content. In cases involving influencers, such measures may be used to stop the dissemination of promotional content that remains active and prevent such content from reaching additional users.

After the investigation has been completed, the results are submitted to the public prosecutor in accordance with the procedures prescribed by law. The public prosecutor then examines the completeness of the case file and the evidence obtained. If the investigation results satisfy the applicable requirements, the case may proceed to prosecution. The public prosecutor is responsible for preparing an indictment that is precise, clear, and complete based on the legal facts established during the investigation.

In cases involving the promotion of online gambling, the indictment must describe the defendant's conduct concretely. The indictment should explain the form of Electronic Information disseminated, the medium used, the time and place of the conduct, the gambling content contained in the material, and the defendant's actions in distributing, transmitting, and/or making such Electronic Information accessible. A clear indictment is essential because it serves as the basis for judicial examination and enables the defendant to prepare an adequate defense.

The judicial examination stage is crucial in determining whether an Instagram celebrity or influencer may be held criminally liable. Judges must objectively examine all evidence and testimony presented during the trial. The judicial assessment must focus on establishing the elements of the criminal offense and the defendant's involvement in the alleged conduct. The defendant's popularity, number of followers, status as an Instagram celebrity or influencer, or amount of profit obtained cannot automatically establish the defendant's guilt.

Criminal liability must be based on the concrete conduct committed by the defendant. If it is proven that the defendant intentionally and without authority distributed, transmitted, and/or made accessible Electronic Information or Electronic Documents containing gambling content, the criminal provisions of the Electronic Information and Transactions Law may be applied in accordance with the facts established at trial. Conversely, if the elements of the criminal offense are not proven, a person cannot be convicted merely because of a social or professional relationship with a party involved in online gambling.

Law enforcement must also distinguish between the principal perpetrator of online gambling and a party involved in its promotion. A gambling operator may be responsible for providing the website, organizing the games, managing transactions, and obtaining profits from gambling activities. An influencer may perform a different role by promoting the gambling activity to followers. The distinction in roles does not mean that influencers are automatically exempt from criminal liability. An influencer may still be held criminally liable if the concrete conduct committed fulfills the elements of a criminal offense under the Electronic Information and Transactions Law.

Another problem encountered in law enforcement is the use of false accounts or identities that do not correspond to the perpetrators' actual identities. Perpetrators may create multiple accounts for promotional purposes and delete those accounts after the content becomes known to law enforcement authorities. Such circumstances complicate the identification process. Therefore, law enforcement authorities' ability to conduct digital investigations, analyze data, and perform digital forensics is essential to uncovering the identities of perpetrators.

Another obstacle is the cross-regional and even transnational nature of online gambling. Gambling operators may use servers located outside Indonesia, while promotions may be conducted by influencers located in Indonesia and target users in various jurisdictions. This situation creates jurisdictional issues and requires international cooperation. Law enforcement authorities may require assistance from foreign authorities to obtain certain data relating to websites, servers, operator identities, or transactions located outside Indonesian territory.

Digital payment systems also present a particular challenge. Compensation paid to influencers is not always transferred through conventional banking transactions. Payments may be made through bank accounts, electronic wallets, digital assets, or other payment mechanisms. Therefore, tracing financial flows constitutes an important part of the investigation. Transaction analysis can assist authorities in determining the amount of payment, the parties making and receiving the payment, the timing of the transaction, and the relationship between the transaction and the gambling promotion.

Law enforcement against online gambling also requires inter-agency coordination. The Indonesian National Police, Civil Servant Investigators authorized in the field of Electronic Information and Transactions, the prosecution service, courts, government institutions, agencies related to the financial sector, and Electronic System Operators each have different roles in combating online gambling. Coordination is necessary because online gambling cases have complex dimensions, ranging from digital content and perpetrator identification to financial transactions and information technology networks.

In addition to institutional factors, the effectiveness of law enforcement is influenced by the quality of human resources within law enforcement agencies. Digital technology is developing rapidly, requiring law enforcement personnel to understand developments in social media, digital payment systems, identity concealment methods, network technologies, and techniques for securing electronic evidence. Enhancing these capabilities is necessary to prevent law enforcement from falling behind the technological developments employed by perpetrators of criminal offenses.

Law enforcement must continue to adhere to the principle of due process of law. Every action taken by authorities against an Instagram celebrity or influencer must be based on powers granted by applicable laws and regulations. The examination of electronic devices, seizure of evidence, examination of communication data, blocking of assets, arrest, and detention must be conducted in accordance with applicable legal procedures. This principle is necessary to ensure that efforts to combat online gambling do not result in violations of an individual's legal rights.

The criminal sanctions prescribed in Article 45 paragraph (3) of Law Number 1 of 2024 demonstrate the State's seriousness in addressing the dissemination of Electronic Information containing gambling content. The provision establishes a maximum imprisonment of 10 years and/or a maximum fine of IDR 10 billion for violations of the relevant provision. These criminal sanctions are expected to create a deterrent effect on perpetrators while preventing members of the public from using digital media to disseminate or promote gambling activities.

However, the effectiveness of law enforcement cannot be measured solely by the severity of criminal sanctions. Its effectiveness also depends on the ability of authorities to detect criminal offenses, identify perpetrators, secure electronic evidence, establish the element

of intent, trace relationships between influencers and gambling operators, and ensure that judicial proceedings are conducted in accordance with applicable law. Consistent and professional law enforcement will provide legal certainty while increasing public confidence in law enforcement institutions.

Based on the foregoing discussion, law enforcement against Instagram celebrities and influencers who promote online gambling under Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 may be carried out through preventive and repressive mechanisms. Preventive measures include monitoring digital content, educating the public, monitoring social media activities, and terminating access to Electronic Information or Electronic Documents containing gambling content. Repressive measures include preliminary investigation, investigation, collection of electronic evidence, tracing of financial flows, prosecution, judicial examination, and enforcement of criminal judgments.

Ultimately, law enforcement is not intended solely to punish perpetrators but also to protect society from the negative effects of online gambling. Social media, which fundamentally serves as a means of communication and social interaction, must be used responsibly. Instagram celebrities and influencers, as individuals who exercise considerable influence over their followers, also have a responsibility to consider the legal and social consequences of the content they publish. Freedom of expression and the freedom to use social media cannot serve as a justification for conduct that is expressly prohibited by law.

Therefore, law enforcement against Instagram celebrities and influencers who promote online gambling under Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 must be conducted in an integrated, professional, proportionate, and sustainable manner. Individuals proven to have intentionally and without authority distributed, transmitted, and/or made accessible Electronic Information or Electronic Documents containing gambling content may be held criminally liable in accordance with applicable law. The success of efforts to eradicate online gambling depends greatly on the State's ability to integrate prevention, technological monitoring, criminal law enforcement, access termination, financial transaction tracing, and inter-agency cooperation. Consistent law enforcement is expected to create a deterrent effect, prevent the emergence of new perpetrators, stop the dissemination of gambling content, and establish a safe, orderly, and responsible digital environment in Indonesia.

CONCLUSION

Based on the discussion concerning the criminal liability and law enforcement against Instagram celebrities and influencers who promote online gambling through social media pursuant to Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024, several conclusions can be drawn.

First, criminal liability for Instagram celebrities and influencers who promote online gambling through social media may, in principle, be imposed when their conduct fulfills the elements of a criminal offense as stipulated in Article 27 paragraph (2) of Law Number 1 of 2024. This provision prohibits any person from intentionally and unlawfully distributing, transmitting, and/or making accessible Electronic Information or Electronic Documents containing gambling content. Furthermore, Article 45 paragraph (3) provides for criminal sanctions in the form of imprisonment for a maximum of **10 years** and/or a fine of up to **IDR 10,000,000,000.00**.

In the context of Instagram celebrities and influencers, online gambling promotion may take the form of uploading photographs or videos, providing links directing users to gambling websites, mentioning the names or brands of gambling websites, providing referral codes, inviting followers to gamble, or engaging in other forms of digital communication that enable gambling-related information to be known or accessed by the public. Criminal liability is not

based solely on an individual's status as an Instagram celebrity or influencer but must be established on the basis of the concrete conduct committed, the existence of intent, the unlawful nature of the conduct, and the connection between the perpetrator's actions and the electronic information containing gambling content. Accordingly, when all elements of the criminal offense are proven lawfully and convincingly, an Instagram celebrity or influencer may be held individually criminally liable.

Second, law enforcement against Instagram celebrities and influencers who promote online gambling is carried out through the stages of criminal law enforcement, beginning with preliminary investigation, investigation, prosecution, examination before the court, and the imposition and execution of criminal judgments. During this process, law enforcement authorities must identify the form of promotion undertaken, secure and examine electronic evidence, trace social media accounts, identify relationships between perpetrators and online gambling operators, and establish the existence of intent and unlawful conduct. Law enforcement also requires coordination between law enforcement authorities and institutions vested with authority to supervise the digital environment.

Law enforcement against online gambling promotion must be implemented consistently, professionally, and based on the principle of legal certainty. Popularity, the number of followers, or a person's status as a public figure must not constitute grounds for differential application of the law. Conversely, law enforcement must be based on whether the elements of the criminal offense have been fulfilled and whether sufficient evidence exists. Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 provides a legal basis for taking action against the distribution, transmission, and making accessible of electronic information containing gambling content.

Therefore, criminal liability and law enforcement against Instagram celebrities and influencers who promote online gambling constitute important components of efforts to combat gambling in the digital environment. The application of the law is not intended merely to impose sanctions on perpetrators but also to create a deterrent effect so that social media is not exploited as a means of expanding gambling activities. The effectiveness of law enforcement ultimately depends on the ability of law enforcement authorities to uncover the conduct, establish the elements of the criminal offense, properly utilize electronic evidence, and apply criminal provisions fairly and consistently. Accordingly, synergy among law enforcement authorities, the government, digital platform operators, and the public is necessary to create a safe digital environment that is free from the promotion and dissemination of online gambling.

RECOMMENDATIONS

Based on the results of the research concerning the criminal liability and law enforcement against Instagram celebrities and influencers who promote online gambling through social media pursuant to Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024, several recommendations may be proposed as materials for evaluating and improving law enforcement in Indonesia.

First, law enforcement authorities, particularly the Indonesian National Police, the Prosecutor's Office, and other relevant institutions, need to improve consistency and firmness in taking action against Instagram celebrities and influencers proven to have promoted online gambling. Article 27 paragraph (2) of Law Number 1 of 2024 expressly prohibits any person from intentionally and unlawfully distributing, transmitting, and/or making accessible Electronic Information and/or Electronic Documents containing gambling content. This provision carries criminal consequences as stipulated in Article 45 paragraph (3), namely imprisonment for a maximum of 10 years and/or a fine of up to IDR 10 billion. Therefore, the application of these provisions must be conducted objectively based on the fulfillment of the

elements of the criminal offense rather than merely on an individual's status as an Instagram celebrity or influencer.

Second, law enforcement authorities need to enhance their capacity to conduct investigations into online gambling offenses committed through social media. The rapidly changing characteristics of social media allow digital evidence to be deleted, concealed, or modified by perpetrators. Law enforcement authorities need to strengthen their capabilities in digital forensics, the collection of electronic evidence, account tracing, examination of digital communications, and investigation of relationships between influencers and online gambling operators. Documentation of posts, links, referral codes, payment accounts, communications, promotional agreements, and forms of compensation is important for establishing the element of intent and the relationship between promotional activities and online gambling.

Third, stronger coordination is required among law enforcement authorities, the Ministry of Communication and Digital Affairs, social media platform operators, and other relevant institutions. Addressing online gambling cannot be limited to prosecuting influencers as promotional actors but must also target the networks and parties behind the operation of such gambling activities. The Elucidation of Article 27 paragraph (2) of Law Number 1 of 2024 also associates gambling content with acts of offering or providing opportunities for gambling, making gambling a livelihood, offering opportunities to the public to gamble, and participating in an enterprise established for such purposes. Therefore, law enforcement must be conducted comprehensively so that it does not stop at perpetrators operating at the promotional level.

Fourth, Instagram celebrities and influencers need to increase their legal awareness and responsibility in using social media. Popularity and a large number of followers create significant influence over society, and therefore every promotional activity must be considered from both legal and ethical perspectives. Instagram celebrities and influencers should examine the legality of products, services, or activities before accepting promotional or endorsement offers. The desire to obtain financial benefits or a lack of comprehensive knowledge concerning gambling activities should not be used as a basis for disregarding the duty of care, particularly when circumstances indicate that the promotion is intended to attract members of the public to participate in online gambling.

Fifth, the government needs to increase public awareness and educational programs concerning the dangers of online gambling and the legal consequences for parties involved in its promotion. Education should not be directed solely at the general public but should also target influencers, talent managers, digital advertising agencies, and creative industry professionals. Understanding the distinction between permissible promotional activities and promotions containing gambling content needs to be strengthened to prevent legal violations in commercial activities conducted through social media.

Sixth, a law enforcement framework providing greater certainty concerning the criteria for influencer criminal liability needs to be developed. Law enforcement authorities must distinguish between influencers who knowingly and actively promote online gambling and parties who are unaware that particular content or links are related to gambling. Proof concerning intent, the perpetrator's knowledge, the form of contribution, contractual relationships, benefits received, and the perpetrator's actions in disseminating content must be assessed proportionately. Accordingly, the application of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 can provide legal certainty while ensuring the principle of justice in determining criminal liability.

Seventh, the government and social media platform operators need to strengthen mechanisms for preventing and restricting access to online gambling content. Law enforcement should not be exclusively repressive after a criminal offense has occurred but should also be preventive through content-detection systems, public reporting mechanisms, monitoring of accounts that repeatedly promote gambling, and prompt action against links and accounts

proven to have been used to disseminate gambling content. Such measures must nevertheless be implemented with due regard to legal certainty, transparent procedures, and the protection of users' rights.

Ultimately, law enforcement against online gambling promotion through social media must be implemented in an integrated, consistent, and equitable manner. The enforcement of Article 27 paragraph (2) in conjunction with Article 45 paragraph (3) of Law Number 1 of 2024 is not intended solely to impose sanctions on perpetrators but also to create a safe, healthy, and responsible digital environment. An approach combining law enforcement, technological strengthening, education, platform supervision, and increased legal awareness is expected to reduce online gambling promotion activities and provide greater protection to the public from the negative impacts of gambling through social media.

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