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Challenges in Law Enforcement Against Online Gambling Promotion by Social Media Influencers: Protecting Indonesia's Digital Generation

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Abstract: The increasing use of social media has facilitated online gambling promotion by influencers, creating significant challenges for criminal law enforcement in Indonesia. This research aims to analyze the challenges in enforcing criminal law against online gambling promotion by social media influencers and to formulate an integrated criminal law policy to strengthen legal protection for Indonesia's digital generation. This study employs normative legal research using statutory, conceptual, case, and comparative approaches, with qualitative analysis of primary and secondary legal materials. The findings indicate that ineffective law enforcement is caused by regulatory ambiguity regarding influencer criminal liability, limited institutional coordination, technological disparities, evidentiary difficulties, jurisdictional constraints, and the normalization of gambling-related content in the digital environment. To address these challenges, criminal law policy should be reformulated through clearer regulation of influencer liability, stronger inter-agency coordination, enhanced digital forensic capabilities, preventive legal education, greater accountability of digital platform providers, and the adoption of relevant comparative legal approaches. The novelty of this research lies in proposing an integrated criminal law reform model that combines Soerjono Soekanto's Theory of Law Enforcement and Lawrence M. Friedman's Legal System Theory, supported by judicial and comparative legal analyses. The proposed model provides theoretical development and practical guidance for strengthening Indonesia's criminal law policy against online gambling promotion.

Keywords: Criminal Law Policy; Digital Generation; Online Gambling; Influencers; Social Media.

1. Introduction

Digital transformation has fundamentally reshaped various aspects of human life, including economic activities, communication, education, and public services. The rapid expansion of internet connectivity has accelerated information exchange, improved the efficiency of public services, broadened access to education, and stimulated the growth of the digital economy through electronic commerce (e-commerce), digital financial services, and social media-based creative industries (Muhammad Yudha Septian, 2026). Social media has consequently evolved beyond a communication platform into an integrated digital ecosystem that significantly influences public opinion, consumer behaviour, and commercial activities.

Despite these considerable benefits, technological advancement has simultaneously generated increasingly complex legal challenges. The extensive accessibility of digital technology has facilitated various forms of cybercrime, including online fraud, identity theft, cyberattacks, the dissemination of false information, and online gambling (Sheilla Virginia Andreyn, 2026). Unlike conventional crimes, cybercrime is characterised by anonymity, rapid technological adaptation, and transnational operations that frequently extend beyond national jurisdictions. These characteristics significantly complicate law enforcement because perpetrators can exploit sophisticated digital infrastructures, encrypted communications, and cross-border financial transactions to conceal their identities and criminal activities.

Among the various forms of cybercrime, online gambling has become one of the fastest-growing offences in Indonesia (Nur Khabibatus Sa'diyah, 2022). Unlike conven-

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tional gambling, which requires physical interaction and designated gambling venues, online gambling operates through electronic systems that enable users to participate in gambling activities at any time and from any location with internet access. This technological development has fundamentally transformed gambling into a borderless digital activity that is considerably more difficult to regulate and supervise through conventional law enforcement mechanisms.

The rapid development of online gambling has also transformed its promotional strategies. During its early development, online gambling operators primarily relied on websites and electronic messages to attract users. However, the widespread use of social media has fundamentally changed these promotional patterns. Gambling operators increasingly utilise social media platforms, digital payment systems, and algorithm-based marketing strategies to expand their market reach (Muhammad Yudha Septian, 2026). At the same time, technological innovation has enabled operators to conceal their identities and financial transactions by utilising offshore servers, virtual private networks (VPNs), digital wallets, nominee accounts, and crypto-assets, thereby making law enforcement substantially more difficult (Ahmad Sumantri, 2026).

The seriousness of this phenomenon is reflected in recent governmental data. The Ministry of Communication and Digital Affairs, in collaboration with the Financial Transaction Reports and Analysis Center (PPATK), reported that although online gambling transactions had declined compared with previous periods, they still reached approximately IDR 47 trillion during the first quarter of 2025. During the same period, the Government successfully blocked access to more than 1.3 million gambling-related digital contents as part of its nationwide enforcement efforts. These figures demonstrate that online gambling has evolved beyond an ordinary criminal offence into a large-scale digital crime with significant economic and social consequences. More importantly, they indicate that the existence of statutory regulations alone has not yet produced an effective deterrent effect against the continuous expansion of online gambling activities.

The evolution of online gambling is reflected not only in the increasing number of gambling platforms but also in the changing methods used to recruit new participants. Social media has become the primary channel for disseminating online gambling promotions because it enables information to spread rapidly and reach millions of users within a relatively short period. Consequently, online gambling operators increasingly rely on social media influencers to promote gambling platforms, attract new users, and enhance public engagement through digital content that appears more persuasive than conventional commercial advertising.

The growing involvement of social media influencers in promoting online gambling has become one of the most significant developments in the digital ecosystem. Initially, influencers gained prominence because of their ability to influence consumer decisions through content shared on various digital platforms. Their close interaction with followers, combined with high levels of credibility and audience engagement, has made influencer recommendations considerably more persuasive than conventional advertising. Consequently, many business actors have incorporated influencer marketing into their promotional strategies, including operators of illegal online gambling platforms that exploit influencers' popularity to expand market penetration (Alvin Fedriansyah, 2025).

Online gambling promotion through influencers is conducted using various digital marketing techniques, including the dissemination of gambling website links, referral codes, live-streaming gambling activities, testimonials regarding gambling winnings, and sponsored content encouraging followers to register on gambling platforms. These promotional methods frequently portray gambling as an ordinary entertainment activity or as a simple means of obtaining financial benefits. As a result, promotional content no longer appears to constitute an advertisement for an unlawful activity but is increasingly perceived as a normal component of contemporary digital culture (Rika Khairun Nissa, 2025).

This phenomenon is particularly concerning because the majority of active social media users in Indonesia belong to younger and economically productive age groups. As members of the digital generation, they have grown up within an environment characterised by intensive internet use and continuous interaction with digital platforms. Although this environment provides substantial opportunities for education, innovation, and economic participation, it simultaneously increases exposure to unlawful digital content, including online gambling promotion. Continuous exposure to gambling-related promotional content may gradually normalise gambling behaviour, encourage public participation in gambling activities, and increase the number of individuals affected by gambling-related financial and social problems. Consequently, protecting Indonesia's digital generation has become an increasingly important objective of criminal law policy in the digital era.

These developments demonstrate that online gambling promotion should no longer be viewed merely as an issue concerning gambling operators. Rather, it constitutes a broader challenge involving public protection within the digital environment. Accordingly, the State has a constitutional obligation to ensure that technological advancement does not facilitate criminal activities capable of undermining public order, social welfare, and legal certainty. Within this context, examining law enforcement against online gambling promotion by social media influencers becomes increasingly important because influencers occupy a strategic position in shaping public attitudes and behavioural choices within digital communities.

The urgency of strengthening law enforcement has become even more apparent as online gambling continues to evolve alongside rapid technological advancement. Contemporary online gambling no longer follows conventional operational patterns but instead relies upon sophisticated technologies that enable operators to conceal their identities, operational locations, and financial transactions (F. Kila, 2023). The utilisation of offshore servers, virtual private networks (VPNs), nominee accounts, digital wallets, and crypto-assets has significantly complicated efforts to identify offenders, trace illicit financial transactions, and preserve electronic evidence required for criminal proceedings (Ahmad Sumantri, 2026). These technological developments demonstrate that advances in digital technology have generated not only economic opportunities but also increasingly complex challenges for criminal law enforcement (Rika Khairun Nissa, 2025).

Under Indonesian positive law, gambling constitutes a criminal offence subject to legal sanctions. In addition to the provisions contained in the Indonesian Criminal Code, the dissemination of electronic information containing gambling-related content is also prohibited under Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (Aulia Naomi Mariana, 2025). To strengthen law enforcement, the Government has implemented various measures, including blocking gambling websites, removing gambling-related digital content, tracing suspicious financial transactions, freezing bank accounts associated with gambling activities, and establishing inter-agency cooperation involving several governmental institutions. Nevertheless, the continued circulation of online gambling content and the substantial value of online gambling transactions indicate that existing legal instruments have not yet generated an optimal deterrent effect.

This situation illustrates a clear discrepancy between das sollen and das sein. Normatively, Indonesia has established statutory provisions prohibiting gambling activities and the dissemination of gambling-related electronic content. Empirically, however, online gambling promotion continues to proliferate across social media platforms by exploiting influencers with extensive digital influence. This discrepancy suggests that the principal issue extends beyond the existence of legal norms and instead concerns the effectiveness of law enforcement in responding to increasingly sophisticated forms of digital crime.

The growing complexity of online gambling has attracted increasing scholarly attention, particularly in relation to criminal liability, cybercrime, and the regulation of digital platforms. Existing studies have made important contributions to understanding the legal implications of online gambling promotion, especially following the rapid expansion of social media and influencer-based digital marketing. Nevertheless, the existing body of literature remains fragmented because most studies examine legal issues from a single perspective rather than providing a comprehensive analysis that integrates criminal liability, law enforcement effectiveness, and criminal law policy.

Several scholars have primarily examined the criminal liability of individuals involved in promoting online gambling through social media. For example, Arganesya and Rijadi analysed law enforcement against influencers promoting online gambling by focusing on the application of criminal provisions under Indonesian positive law. Their study concluded that influencer activities may fulfil the elements of criminal offences under the Indonesian Criminal Code and the Electronic Information and Transactions Law, although practical implementation continues to encounter substantial legal and technical challenges (Inera Faren Arganesya, 2025). While this study provides valuable insight into the legal basis of criminal liability, its analysis remains largely confined to normative interpretation without examining broader issues relating to criminal law policy reform.

Similarly, Ridwanyah et al. examined the criminal liability of influencers endorsing online gambling from a cybercrime perspective. Their research emphasised the importance of strengthening regulatory frameworks, improving digital literacy, and enhancing cross-sector collaboration to reinforce legal certainty in addressing online gambling promotion (Muhammad Ramadhan Ridwanyah, 2025). However, the study primarily focused on preventive strategies and regulatory reinforcement without evaluating the effectiveness of law enforcement institutions or analysing how criminal law policy should adapt to the evolving characteristics of digital crime.

Other scholars have focused on the effectiveness of law enforcement against online gambling promotion. Oktavianiasih, for instance, concluded that although Indonesia already possesses an adequate legal framework, practical enforcement continues to face obstacles arising from technological developments, limitations in electronic evidence, and the transnational nature of cybercrime (Oktavianiasih, 2025). Nevertheless, the study concentrated primarily on identifying enforcement challenges without proposing an integrated criminal law policy capable of addressing these multidimensional problems comprehensively.

Taken together, these studies demonstrate that existing scholarship has significantly contributed to the development of criminal law discourse concerning online gambling. However, previous studies generally analyse criminal liability, law enforcement, or regulatory issues separately. Consequently, limited attention has been devoted to examining the relationship among these dimensions within a single analytical framework capable of explaining why law enforcement remains ineffective despite the existence of comprehensive statutory regulations.

From a theoretical perspective, previous studies have predominantly relied upon individual legal theories to explain criminal liability or law enforcement. Limited research has integrated Soerjono Soekanto's theory of law enforcement with Lawrence M. Friedman's legal system theory to explain how legal substance, legal structure, legal culture, institutional capacity, technological infrastructure, and societal behaviour interact in determining the effectiveness of law enforcement against online gambling promotion.

From a methodological perspective, existing research has generally adopted descriptive normative approaches that focus on interpreting statutory provisions or analysing judicial decisions. Comparatively little attention has been devoted to developing an integrated normative framework capable of connecting legal interpretation with criminal law policy reform in response to technological developments.

From an empirical perspective, recent governmental data indicate that online gambling transactions continue to reach substantial levels despite extensive law enforcement efforts, including website blocking, content removal, and financial transaction monitoring. This discrepancy between legal norms and empirical reality demonstrates that the principal challenge lies not merely in the existence of legislation but in the overall effectiveness of Indonesia's law enforcement system in responding to increasingly sophisticated forms of cybercrime.

From a contextual perspective, existing studies have generally positioned social media influencers solely as subjects of criminal liability. Comparatively little attention has been devoted to analysing influencers as strategic actors within the broader digital ecosystem who facilitate the dissemination, normalisation, and commercialisation of online gambling through algorithm-driven social media platforms. Consequently, important questions concerning the relationship between influencer marketing, law enforcement effectiveness, and criminal law policy remain insufficiently explored.

This study addresses these gaps by offering three principal novelties. First, it conceptualises social media influencers not merely as individuals potentially subject to criminal liability but as strategic intermediaries within the online gambling dissemination ecosystem whose activities significantly influence the effectiveness of criminal law enforcement. Second, this study integrates Soerjono Soekanto's theory of law enforcement with Lawrence M. Friedman's legal system theory to develop a comprehensive analytical framework that explains the interaction among legal substance, legal structure, legal culture, institutional capacity, technological readiness, and societal behaviour in addressing online gambling promotion. Third, this study formulates a responsive criminal law policy that combines penal and non-penal approaches to strengthen legal protection for Indonesia's digital generation against increasingly sophisticated forms of technology-enabled crime.

Based on the foregoing background, literature review, identified research gaps, and proposed scholarly novelties, this study aims to analyse the legal challenges associated with law enforcement against online gambling promotion by social media influencers, identify the factors affecting the effectiveness of law enforcement, and formulate a more adaptive criminal law policy capable of strengthening legal protection for Indonesia's digital generation.

2. Materials and Methods

This study employs normative legal research because the principal issues examined concern the adequacy of legal norms governing law enforcement against online gambling promotion by social media influencers and the need for criminal law policy reform to address emerging forms of cybercrime. Normative legal research is considered the most appropriate method because it focuses on analysing statutory regulations, legal principles, legal doctrines, and judicial decisions to evaluate whether the existing legal framework is capable of responding effectively to technological developments and contemporary criminal practices. Rather than measuring social behaviour empirically, this approach seeks to identify legal inconsistencies, interpret applicable legal norms, and formulate prescriptive legal solutions capable of strengthening criminal law enforcement.

To achieve these objectives, this research applies three complementary legal approaches. The statutory approach is employed to examine the legal framework governing gambling offences, electronic information and transactions, criminal liability, and other relevant legislation regulating online gambling promotion in Indonesia. Through this approach, the study evaluates the consistency and adequacy of statutory provisions in addressing the evolving role of social media influencers in promoting online gambling.

The conceptual approach is utilised to analyse legal concepts, doctrines, and theoretical perspectives relevant to criminal liability, law enforcement, cybercrime, and criminal law policy. This approach enables the research to examine the issue beyond the textual interpretation of legislation by incorporating scholarly opinions and legal theories, particularly Soerjono Soekanto's theory of law enforcement and Lawrence M. Friedman's legal system theory, as analytical frameworks for evaluating the effectiveness of Indonesia's legal system in responding to online gambling promotion through social media.Furthermore, the case approach is applied to examine judicial decisions concerning online gambling promotion and other relevant cybercrime cases. Judicial decisions are analysed to identify patterns of judicial reasoning, the interpretation of criminal liability, and the practical application of statutory provisions governing gambling-related electronic content. This approach also facilitates an assessment of how courts interpret the legal responsibility of individuals who participate in the dissemination of online gambling through digital platforms. The legal materials consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Indonesian Criminal Code (Law Number 1 of 2023), Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, judicial decisions, and other legislation relevant to gambling offences and electronic information. Secondary legal materials comprise books, peer-reviewed journal articles, research reports, legal commentaries, and scholarly opinions discussing criminal law, cybercrime, law enforcement, and criminal law policy. Tertiary legal materials include legal dictionaries, encyclopaedias, and other reference materials used to clarify legal terminology and concepts.

Legal materials were collected through library research. The collected materials were analysed qualitatively using a prescriptive analytical method through several sequential stages. First, statutory regulations, judicial decisions, and legal doctrines were identified and classified according to their relevance to the research problem. Second, the collected legal materials were interpreted systematically by comparing statutory provisions with legal theories, doctrines, and relevant scholarly opinions. Third, the analysis identified normative inconsistencies, legal uncertainties, and institutional challenges affecting the effectiveness of law enforcement against online gambling promotion by social media influencers. Finally, based on the results of the normative analysis, the study formulated recommendations for criminal law policy reform aimed at strengthening legal certainty, improving law enforcement effectiveness, and enhancing legal protection for Indonesia's digital generation.

The validity of the legal reasoning is ensured through systematic legal interpretation, doctrinal consistency, and triangulation of legal sources. Statutory provisions are interpreted by considering relevant legal principles, judicial decisions, and established legal doctrines to ensure that the conclusions remain consistent with the Indonesian legal system. In addition, the integration of statutory analysis, legal theory, and case analysis enhances the credibility and coherence of the legal arguments formulated in this study.

3. Results and Discussion

3.1. Challenges in Enforcing the Law Against Online Gambling Promotion by Social Media Influencers

The rapid advancement of information and communication technology has fundamentally transformed the characteristics of criminal activities, particularly online gambling. Unlike conventional gambling, which requires physical interaction and designated gambling venues, online gambling is conducted through digital platforms that enable unrestricted access regardless of geographical boundaries or time limitations. The integration of electronic payment systems, digital wallets, cryptocurrency, and social media platforms has significantly expanded the operational capacity of online gambling operators, allowing them to reach broader segments of society with greater efficiency. Consequently, online gambling has evolved into a sophisticated form of cybercrime that presents increasingly complex legal challenges for criminal law enforcement.

The transformation of online gambling is not limited to its operational mechanisms but also extends to its promotional strategies. Previously, gambling operators relied primarily on websites, electronic messages, and banner advertisements to recruit new participants. However, the rapid growth of social media has fundamentally changed this pattern by creating an interactive digital ecosystem in which information is disseminated rapidly through algorithm-based recommendation systems. This development has encouraged gambling operators to adopt influencer marketing as one of the principal strategies for expanding public exposure to online gambling platforms. Through endorsements, live-streaming sessions, referral links, testimonials, and various forms of sponsored digital content, influencers have become strategic intermediaries capable of reaching millions of users within a relatively short period. Such promotional methods are considerably more persuasive than conventional advertising because they rely upon trust, credibility, and emotional engagement established between influencers and their followers. Consequently, online gambling promotion increasingly appears as ordinary digital content rather than as an unlawful activity prohibited under Indonesian criminal law. (Ramadhani, 2025).

This development demonstrates that online gambling promotion has undergone a significant transformation. Influencers no longer function merely as advertising media but increasingly occupy strategic positions within the online gambling ecosystem by facilitating communication between gambling operators and potential users. Their influence extends beyond commercial promotion because digital content disseminated through social media frequently shapes public opinion, consumer preferences, and behavioural patterns. Accordingly, promotional activities undertaken by influencers may substantially contribute to expanding public participation in online gambling, particularly among younger individuals who dominate Indonesia's digital population. This phenomenon raises important legal questions concerning the extent to which influencer activities may constitute criminal participation in online gambling offences under Indonesian criminal law. (Alvin Fedriansyah, 2025).

Under Indonesian positive law, gambling constitutes a criminal offence subject to criminal sanctions. In addition to the provisions contained in the Indonesian Criminal Code, the dissemination of electronic information containing gambling-related content is prohibited under Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. The enactment of these legal instruments reflects the State's commitment to combating gambling activities conducted through electronic systems. Nevertheless, the continued proliferation of gambling-related promotional content across social media demonstrates that the existence of statutory regulations alone has not produced an effective deterrent effect. The persistence of online gambling transactions, the emergence of increasingly sophisticated promotional techniques, and the continuing involvement of social media influencers collectively indicate that the principal challenge extends beyond normative regulation and concerns the practical effectiveness of criminal law enforcement. (Aulia Naomi Mariana, 2025).

The limited effectiveness of existing law enforcement reflects the increasingly sophisticated modus operandi employed by online gambling operators. Digital platforms enable operators to conceal their identities through offshore servers, virtual private networks (VPNs), anonymous digital accounts, cryptocurrency transactions, and encrypted communication systems. Such technological developments significantly complicate criminal investigations because law enforcement authorities must identify perpetrators, establish financial transaction flows, preserve electronic evidence, and demonstrate the relationship between gambling operators and social media influencers involved in promotional activities. Consequently, the enforcement of criminal law against online gambling promotion requires not only adequate legal norms but also advanced technological capability and institutional readiness capable of responding to rapidly evolving cybercrime. (Ahmad Sumantri, 2026).

Another significant challenge concerns the determination of criminal liability applicable to social media influencers. In practice, influencer involvement in online gambling promotion varies considerably. Some influencers merely publish promotional content prepared by gambling operators, whereas others actively encourage audiences to participate in gambling activities by explaining gambling mechanisms, providing referral codes, or demonstrating gambling activities through live-streaming sessions. These varying levels of involvement create legal uncertainty regarding whether influencers should be regarded as principal offenders, participants (deelnemer), accomplices (medeplichtige), or merely providers of commercial promotional services. The absence of explicit statutory provisions specifically regulating influencer involvement frequently results in divergent legal interpretations among investigators, prosecutors, and judges, thereby reducing legal certainty and potentially affecting the consistency of criminal law enforcement. (Yunus Achmad, 2025). The complexity of criminal liability is further intensified by evidentiary challenges. Criminal proceedings require investigators to establish not only the existence of gambling-related promotional content but also the presence of criminal intent (mens rea), financial benefit, and a demonstrable relationship between influencers and gambling operators. These evidentiary requirements are considerably more difficult to satisfy than those applicable to conventional criminal offences because communications often occur through encrypted digital platforms, financial transactions are conducted electronically, and promotional content may be deleted immediately after publication. Consequently, successful prosecution depends heavily upon digital forensic capability, electronic evidence preservation, and the ability of investigators to reconstruct digital communication networks. (Bernardus Alessandro Imantaka, 2025).

Beyond evidentiary issues, the transnational nature of online gambling constitutes another major obstacle to effective law enforcement. Most gambling platforms operate through servers located outside Indonesian jurisdiction, thereby limiting the ability of domestic law enforcement authorities to undertake direct criminal investigations. Although social media influencers generally reside within Indonesia, the principal gambling operators frequently remain beyond national jurisdiction. This jurisdictional disparity creates significant practical difficulties because domestic law enforcement often succeeds only in prosecuting promotional actors while the principal organisers continue operating from foreign jurisdictions. Accordingly, effective criminal law enforcement increasingly depends upon international cooperation, cross-border information exchange, mutual legal assistance, and collaboration with digital platform providers. (Sheilla Virginia Andreyn, 2026).

The foregoing discussion demonstrates that the legal challenges associated with online gambling promotion by social media influencers extend beyond the existence of criminal legislation. Rather, they involve the interaction of technological development, legal interpretation, evidentiary complexity, jurisdictional limitations, and the evolving characteristics of digital communication. Consequently, evaluating the effectiveness of criminal law enforcement requires a broader analytical framework capable of examining not only statutory provisions but also institutional performance, technological readiness, societal behaviour, and legal culture. For this reason, the present study subsequently analyses these challenges through Soerjono Soekanto's Theory of Law Enforcement and Lawrence M. Friedman's Legal System Theory to identify the principal factors that continue to hinder effective law enforcement against online gambling promotion in Indonesia.

The legal challenges associated with online gambling promotion by social media influencers cannot be adequately understood solely by examining the existence of statutory regulations. Although Indonesia has established criminal provisions prohibiting gambling activities and the dissemination of electronic information containing gambling-related content, empirical evidence demonstrates that online gambling promotion continues to proliferate across social media platforms. This discrepancy between das sollen and das sein indicates that the effectiveness of law enforcement is determined not only by legal norms but also by the interaction of institutional, technological, social, and cultural factors. Accordingly, Soerjono Soekanto's Theory of Law Enforcement provides an appropriate analytical framework for examining the multidimensional obstacles encountered in enforcing criminal law against online gambling promotion. (Jhon Maizel Imra, 2025).

According to Soerjono Soekanto, the effectiveness of law enforcement depends upon the harmonious interaction of five interrelated factors, namely legal substance, law enforcement officers, supporting facilities and infrastructure, society, and legal culture. These factors operate as an integrated system in which weaknesses in one component inevitably influence the effectiveness of the others. Consequently, analysing online gambling promotion solely from the perspective of criminal legislation would provide an incomplete understanding because the practical implementation of criminal law is equally dependent upon institutional capacity, technological readiness, and societal compliance. (Jhon Maizel Imra, 2025).

3.2 Analysis Through Lawrence Soerjono Soekanto Law Enforcement Theory

a. Legal Substance

The first factor concerns the adequacy of the legal framework governing online gambling promotion. Indonesia has enacted various statutory regulations prohibiting gambling activities, including provisions contained in the Indonesian Criminal Code and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions. These legal instruments provide the normative basis for criminalising gambling-related activities conducted through electronic systems. (Aulia Naomi Mariana, 2025).

Nevertheless, the rapid evolution of digital technology has exposed important normative gaps within the existing legal framework. Current legislation primarily criminalises gambling activities and the dissemination of gambling-related electronic information but does not explicitly regulate the legal status of social media influencers who indirectly facilitate gambling promotion through endorsement activities. Consequently, investigators, prosecutors, and judges frequently rely upon judicial interpretation to determine whether influencers should be classified as principal offenders, participants (deelnemer), accomplices (medeplichtige), or merely commercial promoters acting under contractual arrangements. (Yunus Achmad, 2025).

This ambiguity significantly affects legal certainty. Criminal liability may vary depending on how individual law enforcement authorities interpret the influencer's conduct, even when the factual circumstances are substantially similar. Such inconsistency is inconsistent with the principle of legal certainty, which requires criminal legislation to provide clear guidance regarding prohibited conduct and the scope of criminal responsibility. Consequently, the legal challenge lies not merely in the existence of legislation but in the absence of explicit statutory provisions capable of accommodating emerging forms of digital promotion that have developed more rapidly than criminal law itself.

Furthermore, technological innovation continuously produces new promotional methods that are not expressly anticipated by existing legislation. Influencers may promote gambling indirectly through entertainment content, live-streaming sessions, referral links, algorithm-driven recommendations, affiliate marketing, or temporary digital content that disappears shortly after publication. These promotional techniques frequently blur the distinction between commercial endorsement and criminal facilitation, thereby increasing the complexity of legal interpretation. Consequently, criminal law reform should prioritise regulatory clarity regarding the legal parameters distinguishing lawful promotional activities from criminal conduct facilitating online gambling.

b. Law Enforcement Officers

The second factor concerns the institutional capacity of law enforcement authorities. Effective enforcement against online gambling promotion requires competencies extending well beyond conventional criminal investigation. Investigators must possess expertise in cybercrime investigation, digital forensic science, electronic evidence preservation, cryptocurrency tracing, financial intelligence, and digital communication analysis. These specialised competencies have become indispensable because most evidence relating to online gambling promotion exists exclusively in electronic form. (Bernardus Alessandro Imantaka, 2025).

In practice, however, the sophistication of online gambling operators frequently exceeds the technological capability of law enforcement agencies. Gambling operators increasingly utilise encrypted communication platforms, anonymous digital identities, offshore hosting services, cryptocurrency transactions, artificial intelligence-assisted promotional systems, and rapidly changing domain names to avoid detection.

Consequently, law enforcement authorities often encounter substantial delays in identifying perpetrators, collecting admissible electronic evidence, and reconstructing criminal networks. These practical difficulties significantly reduce the overall effectiveness of criminal investigations. Institutional coordination likewise represents a continuing challenge. The investigation of online gambling promotion involves multiple governmental institutions, including the Indonesian National Police, the Attorney General's Office, the Ministry of Communication and Digital Affairs (Komdigi), the Financial Transaction Reports and Analysis Center (PPATK), financial institutions, and digital platform providers. Although each institution possesses complementary authority, differences in institutional mandates, operational priorities, and technological capacity frequently hinder coordinated enforcement. As a result, the criminal justice response often remains fragmented rather than integrated.

From the perspective of Soerjono Soekanto's theory, these institutional limitations demonstrate that effective law enforcement depends not only upon competent investigators but also upon the ability of relevant institutions to operate as a coherent system. Strengthening institutional coordination, developing specialised cybercrime units, enhancing digital forensic expertise, and expanding international cooperation therefore constitute essential prerequisites for improving criminal law enforcement against online gambling promotion.

c. Supporting Facilities and Infrastructure

The third factor concerns the availability of technological facilities and infrastructure. Unlike conventional criminal offences, online gambling promotion leaves predominantly electronic traces that require sophisticated technological tools to identify, preserve, authenticate, and analyse. Accordingly, digital forensic laboratories, electronic evidence management systems, cyber-intelligence platforms, artificial intelligence-based monitoring systems, and financial transaction analysis technologies have become indispensable components of contemporary criminal investigations.

However, technological development continues to outpace institutional adaptation. Online gambling operators rapidly adopt new technologies that enable them to conceal digital identities, relocate servers, encrypt communications, and transfer financial assets across multiple jurisdictions. Consequently, the effectiveness of criminal investigations increasingly depends upon continuous technological innovation within law enforcement institutions themselves. Without adequate technological infrastructure, even comprehensive statutory regulations cannot be implemented effectively because investigators remain unable to obtain reliable electronic evidence capable of satisfying criminal evidentiary standards.

This situation demonstrates that criminal law enforcement in the digital era requires simultaneous investment in human resources, technological capability, and institutional infrastructure. Consequently, strengthening digital forensic facilities should be regarded as an integral component of criminal law policy rather than merely as administrative support for criminal investigations.

d. Analytical Synthesis

The foregoing analysis demonstrates that the first three factors identified by Soerjono Soekanto legal substance, law enforcement officers, and supporting facilities are closely interconnected. Regulatory ambiguity concerning influencer liability complicates legal interpretation; limited institutional capacity reduces investigative effectiveness; and insufficient technological infrastructure weakens the ability to collect and preserve digital evidence. Accordingly, these challenges should not be addressed separately but through an integrated criminal law policy that simultaneously strengthens statutory regulation, institutional coordination, and technological readiness. Only by reinforcing these interdependent components can Indonesia improve the effectiveness of law enforcement against online gambling promotion conducted through social media. The fourth factor identified by Soerjono Soekanto concerns society as the primary subject of legal compliance. Criminal law can only function effectively when members of society recognise legal norms, understand their objectives, and voluntarily comply with them. In the context of online gambling promotion, however, rapid technological development has significantly altered patterns of public interaction, particularly among Indonesia's digital generation. Social media platforms have become the principal source of entertainment, information, and commercial communication, enabling influencers to exercise considerable influence over public attitudes and behavioural choices. Consequently, the persuasive power of influencers frequently exceeds the preventive capacity of conventional legal warnings issued by governmental institutions. (Ramadhani, 2025).

This phenomenon demonstrates that online gambling promotion is no longer perceived solely as criminal activity but is increasingly normalised through digital culture. Promotional content is often integrated into entertainment videos, lifestyle content, gaming broadcasts, and interactive live-streaming sessions, making gambling advertisements appear as ordinary commercial recommendations rather than unlawful conduct. Such normalisation reduces public awareness of the legal and social consequences associated with gambling participation, particularly among adolescents and young adults who constitute the largest proportion of social media users in Indonesia. (Alvin Fedriansyah, 2025).

Furthermore, many users interact with gambling-related content without fully understanding that they are participating in the dissemination of unlawful electronic information. By sharing referral links, reposting promotional videos, or engaging with gambling advertisements to increase online visibility, members of society may unintentionally contribute to expanding the digital reach of gambling operators. This situation illustrates that the effectiveness of criminal law enforcement depends not only upon punitive measures but also upon public legal awareness and digital literacy. Accordingly, preventive legal education should complement criminal sanctions in reducing societal acceptance of online gambling promotion.

The societal dimension also influences the effectiveness of criminal investigations. Public reporting remains one of the principal mechanisms through which law enforcement authorities identify online gambling promotion. However, the willingness of society to report such activities is often limited by uncertainty regarding legal procedures, fear of retaliation, or the perception that gambling promotion constitutes a relatively minor offence compared with other forms of cybercrime. Consequently, strengthening public participation through accessible reporting mechanisms and enhanced legal awareness campaigns constitutes an essential component of effective law enforcement policy.

The fifth factor emphasised by Soerjono Soekanto concerns legal culture, namely the values, attitudes, and behavioural patterns that determine the degree to which legal norms are respected within society. Legal culture represents one of the most decisive factors influencing the effectiveness of criminal law because statutory regulations cannot operate successfully in the absence of corresponding social acceptance and institutional commitment. In the context of online gambling promotion, Indonesia currently faces a significant challenge arising from the commercialisation of digital popularity. Social media platforms encourage influencers to maximise audience engagement, advertising revenue, sponsorship opportunities, and affiliate income. Under such circumstances, financial incentives frequently outweigh ethical considerations, leading some influencers to promote gambling platforms despite the existence of criminal prohibitions. (Sheilla Virginia Andreyn, 2026).

The emergence of this commercially driven digital culture weakens the preventive function of criminal law. Rather than perceiving gambling promotion as socially unacceptable conduct, certain influencers regard such activities as ordinary business transactions capable of generating substantial financial benefits. Consequently, criminal sanctions alone may prove insufficient to alter behaviour unless accompanied by broader efforts to cultivate ethical standards within the digital ecosystem. Legal culture also affects institutional behaviour. Consistent law enforcement requires investigators, prosecutors, judges, and regulatory authorities to share a common commitment to combating online gambling. However, inconsistent enforcement practices may create public perceptions that criminal sanctions are imposed selectively, thereby reducing public confidence in the criminal justice system. Such perceptions undermine both legal certainty and the deterrent effect expected from criminal punishment.

Accordingly, improving legal culture requires a comprehensive strategy involving governmental institutions, educational organisations, digital platform providers, media organisations, and civil society. Developing digital ethics, promoting responsible influencer conduct, and strengthening public understanding of cybercrime should therefore be regarded as complementary components of criminal law policy.

3.3 Analysis Through Lawrence M. Friedman's Legal System Theory

While Soerjono Soekanto explains the factors affecting law enforcement effectiveness, Lawrence M. Friedman's Legal System Theory provides a broader analytical perspective by conceptualising law as an integrated system consisting of legal substance, legal structure, and legal culture. The interaction among these three components determines whether legal norms can function effectively within society. Applying Friedman's framework to online gambling promotion demonstrates that Indonesia's current challenges extend beyond legislative deficiencies and involve systemic weaknesses throughout the criminal justice process. (Jhon Maizel Imra, 2025).

a. Legal Substance

The legal substance refers to statutory regulations, legal principles, and judicial norms governing criminal liability. Indonesian legislation clearly criminalises gambling activities and prohibits the electronic dissemination of gambling-related content. Nevertheless, the legal framework has not yet fully adapted to the evolving characteristics of influencer-based digital promotion. Current legislation does not explicitly define the criminal responsibility of influencers acting as commercial promoters of online gambling. As a result, investigators frequently rely upon broad legal interpretation to determine whether promotional conduct satisfies the constituent elements of criminal participation. Such interpretative uncertainty creates inconsistent law enforcement outcomes and reduces legal predictability. Consequently, legislative reform should provide more explicit regulation concerning digital endorsement, affiliate marketing, referral-based promotion, and other emerging forms of online gambling advertising.

b. Legal Structure

The legal structure encompasses institutions responsible for implementing criminal law, including investigators, prosecutors, courts, regulatory authorities, and supporting governmental agencies. Although Indonesia has established specialised cybercrime units and strengthened institutional cooperation, the rapid evolution of digital technology continues to present significant operational challenges. Investigators frequently encounter difficulties in identifying anonymous perpetrators, tracing cryptocurrency transactions, preserving electronic evidence, and coordinating investigations involving foreign jurisdictions. Moreover, effective enforcement requires continuous cooperation among the Indonesian National Police, the Attorney General's Office, Komdigi, PPATK, financial institutions, and international law enforcement agencies. These structural challenges demonstrate that institutional effectiveness depends not merely upon legal authority but also upon technological capability, professional expertise, adequate funding, and efficient inter-agency coordination.

c. Legal Culture

Within Friedman's framework, legal culture represents the attitudes and expectations that influence how both society and legal institutions perceive and implement legal norms. The increasing popularity of influencer marketing illustrates that commercial incentives frequently compete with legal compliance. When online popularity becomes a valuable economic asset, some influencers perceive gambling promotion as an acceptable business opportunity despite its criminal implications. Similarly, societal tolerance towards gambling-related digital content reduces the preventive function of criminal law. If the public regards influencer endorsements as ordinary entertainment rather than unlawful promotion, criminal sanctions alone cannot effectively discourage such conduct. Therefore, strengthening legal culture requires long-term educational initiatives promoting digital responsibility, ethical content creation, and public awareness concerning cybercrime.

d. Integrated Analysis

The combined application of Soerjono Soekanto's Theory of Law Enforcement and Lawrence M. Friedman's Legal System Theory demonstrates that ineffective enforcement against online gambling promotion cannot be attributed to a single causal factor. Instead, it results from the interaction of regulatory ambiguity, institutional limitations, technological disparities, insufficient public legal awareness, and the gradual normalisation of gambling promotion within digital culture. Accordingly, improving criminal law enforcement requires a comprehensive policy integrating legislative reform, institutional strengthening, technological innovation, inter-agency cooperation, digital literacy programmes, and the development of a stronger legal culture. Without simultaneous improvement across these interrelated dimensions, criminal sanctions alone are unlikely to produce a sustainable deterrent effect against online gambling promotion conducted through social media influencers. Judicial decisions constitute an essential indicator for evaluating the practical effectiveness of criminal law enforcement because they demonstrate how statutory provisions are interpreted and implemented in concrete cases. In the context of online gambling promotion, judicial reasoning is particularly significant due to the absence of explicit legislative provisions specifically regulating the criminal responsibility of social media influencers. Consequently, judges frequently exercise broad legal interpretation in determining whether promotional conduct satisfies the constituent elements of criminal participation.

One of the judicial decisions illustrating this issue is Decision of the Tanjungkarang District Court Number 967/Pid.Sus/2024/PN Tjk, in which the court imposed criminal liability upon the defendant for disseminating electronic information containing gambling-related content through digital media. The decision emphasised that electronic dissemination intended to facilitate public access to online gambling constituted conduct prohibited under Indonesian criminal law. The court further recognised that digital promotional activities possess substantial capacity to encourage wider public participation in unlawful gambling practices. (Muhammad Yudha Septian, 2026).

From the perspective of criminal law policy, this decision reflects judicial recognition that online gambling promotion extends beyond passive information sharing and may actively contribute to the expansion of gambling activities. Nevertheless, the judgment primarily focused upon the dissemination of prohibited electronic information rather than providing a comprehensive analysis of the defendant's specific role within the broader online gambling ecosystem. Consequently, although the decision establishes an important precedent regarding electronic gambling promotion, it leaves unresolved several legal questions concerning the criminal responsibility of influencers acting under commercial endorsement arrangements.

A similar tendency can be observed in Decision of the Serang District Court Number 509/Pid.Sus/2024/PN Srg. In this case, the court considered the intentional distribution of gambling-related digital content sufficient to establish criminal liability under the applicable statutory provisions. The judgment emphasised the existence of electronic evidence, communication records, and digital transactions demonstrating the defendant's active participation in promoting online gambling services. The court therefore regarded the dissemination of gambling-related electronic information as an integral component of the unlawful gambling operation rather than merely an incidental promotional activity. However, despite recognising the seriousness of digital promotion, the judgment did not elaborate clear legal criteria distinguishing commercial advertising from criminal participation. Consequently, uncertainty remains regarding the threshold at which promotional activity transforms into criminal facilitation. Such uncertainty may generate inconsistent judicial reasoning in future cases involving influencers whose promotional activities vary considerably in terms of intent, financial benefit, and degree of involvement. Further illustration is provided by Decision of the Bireuen District Court Number 65/Pid.Sus/2024/PN Bir, which likewise involved electronic dissemination associated with online gambling activities. The court reaffirmed that electronic media may function as an instrument facilitating gambling offences and therefore falls within the scope of criminal regulation. The decision demonstrates increasing judicial awareness that technological developments require criminal law to address not only gambling operators but also intermediary actors who contribute to the digital dissemination of unlawful gambling content.

Collectively, these judicial decisions reveal an emerging pattern within Indonesian jurisprudence. Courts consistently acknowledge that digital dissemination of gambling-related content constitutes criminal conduct capable of attracting criminal liability. Nevertheless, the legal reasoning adopted in these decisions remains predominantly case-specific and has yet to establish uniform doctrinal standards concerning the criminal responsibility of influencers, affiliate marketers, digital content creators, or other promotional intermediaries. Consequently, judicial consistency remains limited despite the increasing number of prosecutions involving online gambling promotion.

The absence of uniform judicial standards creates practical implications for law enforcement authorities. Investigators and prosecutors may adopt differing legal qualifications for substantially similar conduct, while judges retain broad discretionary authority in determining the scope of criminal participation. Such inconsistency potentially undermines the principles of legal certainty, equality before the law, and predictability that constitute fundamental objectives of criminal justice.

Accordingly, future judicial development should move beyond merely determining whether electronic dissemination has occurred and instead formulate more comprehensive legal criteria addressing several essential issues, including: (a) the existence of intentional promotional conduct (mens rea); (b) the commercial relationship between influencers and gambling operators; (c) the receipt of financial or economic benefit; (d) the causal relationship between promotional activities and gambling participation; and (e) the degree of active involvement within the online gambling network. The establishment of these judicial parameters would significantly strengthen legal certainty while promoting greater consistency in future criminal adjudication.

3.4 Comparative Law Perspective

Comparative legal analysis demonstrates that several jurisdictions have adopted more comprehensive regulatory approaches toward digital gambling promotion than Indonesia. Rather than relying exclusively upon criminal sanctions after offences occur, these jurisdictions combine criminal law with preventive administrative regulation, specialised regulatory authorities, and platform accountability.

a. Singapore

Singapore has developed one of the most comprehensive regulatory frameworks governing gambling activities through the Gambling Control Act 2022, supported by the establishment of the Gambling Regulatory Authority (GRA). This institutional framework integrates criminal enforcement, licensing mechanisms, digital monitoring, and administrative supervision under a single regulatory system. Unlike the Indonesian approach, Singapore does not focus exclusively upon gambling operators. The regulatory framework also extends to individuals and entities involved in facilitating unlawful gambling promotion, including digital advertising, electronic marketing, and unauthorised online dissemination. Regulatory authorities possess extensive powers to order the removal of unlawful digital content, block online platforms, supervise licensed operators, and cooperate directly with internet service providers.

This integrated regulatory model demonstrates that effective law enforcement requires preventive supervision alongside criminal prosecution. Administrative intervention enables authorities to interrupt unlawful promotional activities before they reach broader audiences, thereby reducing reliance upon criminal sanctions as the sole enforcement mechanism.

b. United Kingdom

The United Kingdom adopts a similarly integrated approach through the Gambling Act 2005, administered by the UK Gambling Commission in cooperation with the Advertising Standards Authority (ASA). Within this framework, gambling advertisements must comply with strict standards concerning transparency, consumer protection, and the safeguarding of vulnerable groups, particularly children and young people. Influencers participating in commercial gambling promotions are required to comply with advertising regulations, sponsorship disclosure requirements, and consumer protection obligations.

Regulatory authorities possess powers to investigate unlawful promotions, impose administrative sanctions, revoke operating licences, and coordinate enforcement with digital platform providers. The British approach recognises that influencer marketing constitutes a specialised form of digital advertising requiring regulatory oversight extending beyond conventional criminal prosecution. Consequently, regulatory intervention occurs at an earlier stage, reducing opportunities for unlawful promotional content to circulate widely through social media algorithms.

c. Comparative Evaluation

Comparison with Singapore and the United Kingdom indicates that Indonesia continues to rely predominantly upon reactive criminal law enforcement. Criminal sanctions are generally imposed only after unlawful promotional activities have occurred and electronic evidence has been collected. Such an approach inevitably encounters practical difficulties because digital content can be disseminated instantaneously, replicated across multiple platforms, and removed before investigators complete evidentiary procedures.

By contrast, both Singapore and the United Kingdom integrate preventive regulation, specialised regulatory institutions, digital platform accountability, and criminal sanctions into a unified enforcement framework. This combination significantly enhances regulatory effectiveness because preventive measures reduce opportunities for unlawful promotion before criminal prosecution becomes necessary.

Accordingly, Indonesia's future criminal law policy should move beyond a purely punitive paradigm by incorporating stronger preventive regulatory mechanisms. Legislative reform should provide explicit provisions concerning influencer liability, strengthen cooperation between law enforcement agencies and digital platform providers, establish clearer obligations for social media platforms to remove unlawful gambling content promptly, and develop specialised supervisory mechanisms capable of responding rapidly to emerging forms of digital promotion. Such reforms would not only improve legal certainty but also strengthen the capacity of Indonesian criminal law to protect the digital generation from the increasingly sophisticated strategies employed by online gambling operators.

3.5 *Reformulation of Criminal Law Policy on Online Gambling Promotion by Influencers to Protect Indonesia's Digital Generation*

The findings presented in the previous section demonstrate that the persistence of online gambling promotion by social media influencers cannot be addressed solely through the application of existing criminal sanctions. Although Indonesian criminal law prohibits gambling activities and the dissemination of electronic information containing gambling-related content, technological developments have created new forms of criminal conduct that continue to evolve more rapidly than statutory regulation. Consequently, criminal law policy requires reformulation to ensure that legal regulation remains adaptive to digital transformation while providing greater legal certainty concerning the criminal responsibility of influencers who promote online gambling (Jhon Maizel Imra, 2025; Yunus Achmad, 2025).

A fundamental aspect of criminal law reform concerns the clarification of criminal liability applicable to social media influencers. Existing legislation does not explicitly distinguish between influencers who unknowingly disseminate gambling-related content and those who intentionally participate in commercial gambling promotion for financial benefit. This normative ambiguity creates inconsistent legal interpretation during investigation, prosecution, and adjudication, thereby weakening the principles of legal certainty and equality before the law (Bernardus Alessandro Imantaka, 2025). Therefore, future criminal legislation should formulate explicit provisions concerning the elements of intentional promotion, commercial cooperation with gambling operators, receipt of economic benefits, and the degree of participation within online gambling networks (Muhammad Yudha Septian, 2026).

Furthermore, reformulation should not be limited to legislative amendment but should also strengthen institutional coordination among law enforcement agencies. Effective enforcement requires integrated cooperation between the Indonesian National Police, the Attorney General's Office, the Ministry of Communication and Digital Affairs (Komdigi), the Financial Transaction Reports and Analysis Center (PPATK), financial institutions, and digital platform providers. Considering that online gambling operates through interconnected digital ecosystems, fragmented institutional responses are unlikely to produce optimal law enforcement outcomes (Sheilla Virginia Andreyn, 2026; Ahmad Sumantri, 2026). Accordingly, integrated digital monitoring systems, electronic evidence-sharing mechanisms, and coordinated cyber investigations should become integral components of future criminal law policy.

In addition to strengthening repressive measures, future criminal law policy should place greater emphasis on preventive strategies. Criminal sanctions remain indispensable for ensuring legal certainty; however, punitive approaches alone have proven insufficient to reduce the widespread dissemination of gambling-related content through social media platforms. Preventive policies should therefore include digital literacy programmes, legal education regarding cybercrime, ethical guidelines for influencers, and public awareness campaigns directed particularly at young people, who constitute the largest proportion of Indonesian social media users (Ramadhani, 2025; Alvin Fedriansyah, 2025). These measures are expected to strengthen public legal awareness while simultaneously reducing social acceptance of online gambling promotion.

Another important aspect concerns the responsibility of digital platform providers. Social media companies possess algorithmic technologies capable of detecting prohibited content, identifying suspicious promotional patterns, and removing unlawful advertisements before they reach wider audiences. Consequently, future criminal law policy should establish clearer obligations for platform providers to cooperate with law enforcement agencies in accelerating content removal, improving reporting mechanisms, preserving electronic evidence, and increasing transparency regarding paid promotional activities (Aulia Naomi Mariana, 2025). Such cooperation reflects the principle of shared responsibility in addressing cybercrime within contemporary digital governance.

Comparative experience further demonstrates that effective regulation cannot rely solely upon criminal punishment. Singapore, through the Gambling Control Act 2022, and the United Kingdom, through the Gambling Act 2005, have adopted integrated regulatory models combining criminal sanctions, specialised regulatory institutions, administrative supervision, and digital platform accountability. These approaches illustrate that preventive governance complements criminal enforcement by preventing unlawful gambling promotion before broader public dissemination occurs (Muhammad Yudha Septian, 2026; Jhon Maizel Imra, 2025). Although Indonesia has a different legal system, these comparative experiences provide valuable guidance for developing a more responsive criminal law policy. Ultimately, the reformulation of criminal law policy should adopt an integrated approach encompassing legislative reform, institutional strengthening, technological innovation, preventive legal education, and multi-stakeholder cooperation. Such a comprehensive framework is essential because online gambling promotion by social media influencers is not merely a criminal justice issue but also a governance challenge involving technological development, public legal awareness, and digital ethics (Yunus Achmad, 2025; Sheilla Virginia Andreyn, 2026). Through this integrated approach, Indonesian criminal law will be better positioned to provide effective legal protection for the digital generation while ensuring that criminal law remains responsive to the continuing evolution of information technology. Based on the foregoing analysis, the reformulation of criminal law policy should not be confined to the amendment of criminal provisions but should instead adopt an integrated regulatory model capable of responding to the increasingly complex characteristics of cybercrime. Such a model should combine legislative reform, institutional strengthening, technological innovation, preventive governance, and multi-stakeholder cooperation in order to establish a more effective legal framework for combating online gambling promotion by social media influencers (Jhon Maizel Imra, 2025; Yunus Achmad, 2025).

The first component of the proposed reform concerns regulatory reform. Indonesian criminal legislation should provide explicit legal provisions defining the criminal responsibility of social media influencers who intentionally promote online gambling through endorsement agreements, affiliate marketing, referral links, live-streaming, or other forms of commercial digital content. The legislation should distinguish between intentional criminal promotion and promotional activities undertaken without knowledge of their unlawful character, thereby ensuring proportionality in the application of criminal sanctions and strengthening legal certainty (Bernardus Alessandro Imantaka, 2025; Muhammad Yudha Septian, 2026).

The second component concerns institutional reform. Effective enforcement requires stronger coordination among the Indonesian National Police, the Attorney General's Office, the Ministry of Communication and Digital Affairs (Komdigi), the Financial Transaction Reports and Analysis Center (PPATK), financial institutions, and electronic system providers. Accordingly, an integrated cyber enforcement mechanism should be developed through joint investigations, digital information sharing, coordinated electronic evidence management, and strengthened international cooperation to address cross-border gambling operations (Sheilla Virginia Andreyn, 2026; Ahmad Sumantri, 2026).

The third component involves technological reform. Considering that online gambling promotion is increasingly driven by sophisticated digital technologies, law enforcement institutions should optimise artificial intelligence-based monitoring systems, digital forensic technologies, financial transaction analysis, and automated content detection to identify gambling-related promotional activities at an early stage. Such technological capability would substantially improve the speed and effectiveness of criminal investigations while reducing opportunities for gambling operators to exploit technological loopholes (Aulia Naomi Mariana, 2025).

The fourth component emphasises preventive reform through strengthening digital legal awareness. Criminal sanctions should be complemented by continuous public education programmes promoting digital literacy, cyber ethics, and responsible social media practices. Influencers should also be encouraged to comply with professional ethical standards regarding digital advertising and commercial endorsements, while educational institutions and civil society organisations should actively participate in preventing the normalisation of online gambling promotion among Indonesia's digital generation (Ramadhani, 2025; Alvin Fedriansyah, 2025).

Finally, the proposed reform recognises that effective criminal law enforcement requires shared responsibility among governmental institutions, digital platform providers, financial service providers, and society. Rather than relying exclusively upon punitive criminal sanctions, Indonesia should develop an integrated governance model combining criminal law, administrative supervision, technological regulation, and preventive education. Such a comprehensive approach is expected to enhance legal certainty, improve institutional effectiveness, strengthen public legal awareness, and provide more effective legal protection for Indonesia's digital generation against the growing threat of online gambling promotion (Jhon Maizel Imra, 2025; Sheilla Virginia Andreyn, 2026).

4 Conclusions

The challenges in enforcing criminal law against online gambling promotion by social media influencers indicate that the current legal framework has not been fully effective in responding to the evolving characteristics of technology-based gambling crimes. The ineffectiveness of law enforcement is influenced not only by the absence of explicit regulations concerning the criminal liability of influencers but also by limited institutional coordination, technological disparities, evidentiary difficulties, jurisdictional constraints, and the increasing normalisation of gambling-related content within Indonesia's digital environment. These interconnected factors hinder the ability of criminal law to provide effective legal protection for Indonesia's digital generation.

Addressing these challenges requires the reformulation of Indonesia's criminal law policy through an integrated approach that extends beyond punitive criminal sanctions. Such reform should include clearer legal provisions regarding the criminal liability of influencers involved in online gambling promotion, stronger coordination among law enforcement agencies, improved digital forensic and technological capabilities, preventive legal education to enhance public digital literacy, greater accountability of digital platform providers, and the adoption of relevant comparative legal practices. The integration of these measures is expected to strengthen legal certainty, improve the effectiveness of criminal law enforcement, and establish a more adaptive legal framework for addressing online gambling promotion in the digital era.

The principal contribution of this research lies in the formulation of an integrated criminal law reform model that combines Soerjono Soekanto's Theory of Law Enforcement and Lawrence M. Friedman's Legal System Theory, supported by judicial analysis and comparative legal perspectives. This model enriches the development of criminal law scholarship while providing practical guidance for legislators, policymakers, and law enforcement authorities in developing more responsive criminal law policies to protect Indonesia's digital generation from the growing threat of online gambling promotion.

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