

## Agreements and Potential Fraud Arising in the Phenomenon of Online-Based Gambling Games

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### ABSTRACT

*In general, the impact of technological development has many benefits for life. However, on the other hand, this technology can also be used for illegal activities such as online gambling. Online gambling that has developed by utilizing technology has reached all circles. This phenomenon brings significant negative impacts, such as addiction, financial loss, family destruction, and increased potential for criminal acts. The government has made efforts to eradicate online gambling such as blocking gambling content, although the effectiveness of these efforts still faces challenges due to the emergence of new gambling sites that continue to grow.*

*This research uses doctrinal method with the approach of legislation, primary legal materials, and secondary legal materials. One of the conditions for the validity of an agreement in Article 1320 of the Civil Code is something that is halal. The object of the gambling agreement is something that is prohibited by law and religion, so it is not halal. In online gambling agreements, there is a lot of potential for fraud in it which violates 1338 (3) of the Civil Code, due to the absence of elements of bad faith. Online gambling involves agreements that are often unilateral and vulnerable to manipulation by the bookies such as failure to process deposits, refusal to disburse winnings, and unilateral account blocking.*

*A collaborative approach between the government, religious leaders, educational institutions and parents is needed for prevention. Legal education and digital literacy are important steps in providing awareness of the dangers of online gambling. In addition, the government needs to optimize technology to detect and eradicate gambling transactions, as well as provide strict law enforcement against the perpetrators and promoters of online gambling. With strong synergy, it is hoped that online gambling can be comprehensively eradicated in order to protect the nation's next generation.*

**Keywords:** Agreements, Potential fraud, Online gambling

## **A. INTRODUCTION**

*Digital transformation is the dream and goal towards the Golden Indonesia 2045. Digital transformation is the use of new digital innovations (social media, mobile, big data analysis, cloud computing or embedded devices).<sup>1</sup> The form of digital transformation with the development of technology that greatly facilitates the community to carry out daily activities. However, there is a negative side that is utilized by many people to open illegal sites by misusing digital technology developments that damage values and norms in society, one of which is online gambling. The phenomenon of gambling in Indonesia itself is not a new thing that has existed since the time of our ancestors. Along with the times, gambling also adopts the technology that exists today. In the past, it was only a conventional open form, gambling players gathered in a hidden place to carry out gambling games. With the development of digitalization, gambling is carried out online with actors spread throughout the world. Online gambling is a cyber crime using cellphone software, computers and internet networks. Online gambling according to Adli is gambling that uses internet media to make bets where in the game the gambler must make an agreement on the terms of the game and what is at stake. If his team wins the match, then he has the right to get everything that was bet.<sup>2</sup>*

*Gambling is increasingly difficult to eradicate and is now rampant in Indonesia. Lately, online gambling has been rampant, where the perpetrators are not only parents or adults but also many minors as actors with the online game mode. In the event that you're looking for an online gambling site that has an online gaming mode, you can find Slot games to play this game by simply doing certain spins to get certain images that are the same as collaborating with multiplication with a small minimum deposit. Make it interesting and tantalizing for the players.*

*Online gambling in Indonesia at the end of 2024 has reached as many as 8.8 million players.<sup>3</sup> This figure is a number that should be of special concern to the government and law enforcement officials. Online gambling is regulated in Article 27 paragraph (2) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions . In addition, there is also a Government Regulation of the Republic of Indonesia Number 9 of 1981 concerning the implementation of controlling gambling which is the implementation of Article 3 of Law Number 7 of 1974 concerning controlling gambling. In 2024, the President of the Republic of Indonesia issued Presidential Decree Number 21 of 2024 concerning the Task Force for the Eradication of Online Gambling. The government itself has issued regulations governing the eradication of online gambling, but with the development of online gambling which is increasingly widespread. So the author wants to discuss the agreement along with the potential fraud that arises in online gambling games and the role of the government to eradicate online gambling in Indonesia.*

## **B. RESEARCH METHODS**

*This research uses doctrinal research methods. Doctrinal research is prescriptive legal research, legal science examines legal objectives, the authenticity of rules, concepts,*

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<sup>1</sup> Pasaribu Manarep, Widjaja Albert, *Digital Strategy and Transformation* () Strategic Management), Jakarta: KPG (Gramedia Popular Library) Hal 90

<sup>2</sup> Adli, 2015, *Online Gambling Behavior* (Among Students University Riau), Riau Jom Fisip, Vol 2 Number 2, July 2015

<sup>3</sup> [www.kompas.com](http://www.kompas.com) edisi 14 November 2024, acces to 06 January 2025

and legal norms.<sup>4</sup> Or it can be said that normative legal research is a process for finding legal rules, as well as legal doctrines in order to answer the legal issues at hand.<sup>5</sup> Then using the Legislation approach which can be used as a basis for examining the existing legal rules related to the phenomenon of online gambling in Indonesia. This research also uses primary legal materials and secondary legal materials. Primary legal materials consist of legislation, official records or minutes in the making of legislation and decisions of judges.<sup>6</sup> Secondary legal materials used by researchers are books, law journals, internet sites related to the phenomenon of rampant online gambling in Indonesia.

## **C. DISCUSSION**

### **1. The Presence of Online Gambling in Indonesian Society**

#### **a. Agreements and Potential Cheating Arising in Online Gambling Games**

In online gambling there is an agreement before starting the game. Many games are not in accordance with the terms of the agreement. In implementing the agreement, the principle of good faith is required according to Article 1338 (3). Online gambling involves agreements that are often one-sided and vulnerable to manipulation by the bookies such as failure of the deposit process, refusal to disburse winnings, and unilateral blocking of accounts. Gambling agreements can be said to be profit and loss agreements such as insurance agreements. In the provisions of the insurance agreement, there is an agreement principle when the premium is paid, the risk will be transferred and if there is an event that causes a loss, the insured can file a lawsuit against the insurer. Different things with gambling agreements if the losing party does not fulfill its obligations cannot be sued. According to Dorhout Mees classifies insurance, gambling, betting as a profit and loss agreement which is regulated in Article 1774 of the Civil Code. Gambling games are actions or games that are fortuitous or by using money or goods as stakes.<sup>7</sup> Where the insurer's obligation depends on an uncertain event. This obligation can only be fulfilled if the event actually occurs. If not the insurer has no obligation, but is still entitled to the money that has been paid by the insured. In gambling games, the opportunity to make a profit depends on the element of chance and the skill of the gambling player. Any agreement that has a speculative element regarding the outcome of a match or game that the players do not participate in.<sup>8</sup>

In the Civil Code Article 1320 of the Civil Code the conditions for a valid agreement include agreement, the parties have the ability, a certain thing and a halal cause. The agreement to conduct gambling clearly contains a non-halal cause.<sup>9</sup> Gambling agreements are haram and are a disease of society that can trigger other criminal crimes, such as theft, robbery or even murder so they are considered very dangerous. In Indonesia itself, gambling is a criminal offense in which the perpetrators and dealers can be prosecuted by the authorities.

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<sup>4</sup> Suteki, G. T., & Taufani, G, 2018, *Legal research methodology (philosophy, theory and practice)* Depok: Rajawali Pres, hal 40

<sup>5</sup> Marzuki, Peter Mahmud, 2016, *Introduction to Legal Science*, Jakarta: Prenada Media Group, Hal 30

<sup>6</sup> Peter, Mahmud Marzuki, 2017, *Legal Research Revised Edition*. Jakarta: Kencana. Hal 181

<sup>7</sup> Azriadi Tanjung, Sri Ayu Aritha, 2022, Online Buying and Selling in the Perspective of Islam and State Law, *Journal of Islamic Economics and Economics*, Vol 5 (2), June 2022.

<sup>8</sup> Handoko, Duwi, Marlina, 2023, Gambling Under Criminal Law, *El Dusture, Law Journal and Legislation*, Vol 2 Number 1

<sup>9</sup> Busro Achmad, 2011, *Law of Association Based on Book III of the Civil Code*, Yogyakarta Tree of Light, Hal 97

*With a distance that is far apart between the bookie and the gambling player whose place is unknown by each party, so that the potential for fraud arises, where the great potential is carried out by the online gambling bookie as the holder of the game. The potential for fraud includes the deposit process made by members of online gambling sites not being processed by the bookies on the grounds that the money sent by gamblers has not arrived. For the deposit process itself, usually members make transfers to banks so that certain e-wallets that have been provided by the bookie. The next process is that the transferred money is automatically converted by the bookie in the account that has been registered in the form of a certain value or even there are bonus promotions, some of which must confirm manually, which has the potential for fraud here.*

*The next potential that arises is that the winnings obtained by gambling members are not paid when carrying out the disbursement process. Even if the bookies feel that a certain account always wins, the bookies can unilaterally block the account by fabricating unreasonable reasons in the hope that the winnings obtained by the gambler cannot be disbursed. By looking at some of the potential fraud that can occur; but as an online gambling player who in this case becomes a victim can only surrender to this problem because there are no efforts that can be made to obtain justice, this is because gambling is an illegal act, so it discourages victims from reporting to the authorities because they will also get a legal process for playing online gambling games.*

#### **b. Impact and Potential Losses with Online Gambling Games**

*This gambling practice is considered a violation of social culture. In Indonesia, gambling is developing following technological advances with online-based gambling. So that there is a need for continuous legal education from an early age.<sup>10</sup> Playing online gambling is one of the criminal acts that has a negative impact on the stability of the country's economy and social society. The system of online gambling games is that the profit is only momentary which makes the effect of addiction for players to play gambling games which end up losing/losing many times. The fatal impacts that occur if you do online gambling include a broken family, lost savings, layoffs at work and a lot of debt*

*Online gambling is a disease of society that needs to be eradicated because of its chain effects to other criminal acts due to the addictive effects caused by this game for both winners and losers. Online gambling players hope to get multiple wins in a short time. In reality, the momentary victory that makes the perpetrator unable to control himself to play online gambling, the results obtained subsequently are repeated defeats until bankruptcy. There is a potential for gambling addiction when you have lost and gone bankrupt, you want to do it endlessly with false hopes because it is certain that gambling players will experience defeat again.*

*Efforts are needed to prevent avoiding online gambling games. By doing positive habits, including avoiding online gambling advertisements and promotions, not visiting sites related to online gambling, filling spare time and active religious and social activities, and learning not to be tempted by all the seductions that promise everything that is not clear and instant. The ways to be able to stop not playing online gambling include having the principle and intention not to do online gambling, stop opening sites or content content that has to do with online gambling and ask for help from professional experts to handle online gambling.*

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<sup>10</sup> Rodhiyah, hapsari, Ifahda Pratama, Iskandar Hardian, 2022, Accountability Perpetrators of Online Gambling Crime in Indonesia, Al Manhaj: Journal of Law and Islamic Social Institutions, Vol 4 Number 2

## **2. The Government's Role in Combating Online Gambling**

### **a. Enforcement of Government Regulations in the Prevention of Online Gambling**

*In the government regulation of the Republic of Indonesia Number 9 of 1981 concerning the implementation of Law Number 7 of 1974 concerning the control of gambling contained in Article 3 where the central and regional governments work together to provide prohibitions on the granting of licenses, whether held in casinos or in crowded places. In this government regulation it is considered that it is not specific so that it needs to be updated in accordance with the times so that it has more comprehensive rules for controlling gambling games that are adjusted to the development of gambling in the current era so that the government can eradicate all forms of online gambling in Indonesia.*

*Based on data up to January 19, 2025 the Ministry of Communication and Digital RI There are 5,694,480 blocked gambling content. This is one of the efforts to eradicate online gambling. The blocking of gambling content is in accordance with the application of Article 56 (1) of Law Number 28 of 2014 concerning Copyright. Because gambling content is an information technology-based copyright infringement. The copyright infringement is contained in the content of the content which is contrary to the Law. The Ministry of Communication and Digital RI also provides a complaint channel regarding online gambling content, making it easier for the public to complain to the site. This is a form of collaboration between the government and the people of Indonesia.*

*The contents of these gambling games are widely advertised on social media by influencers using watermarks. Influencer's ability to create or build a good impression of the product being promoted.<sup>11</sup> The influencer can promote gambling on social media. Social media is seen more as a channel for people who are considered capable, namely influencers, to brand themselves and then collaborate with certain product or service brands.<sup>12</sup> This can increase online gambling users and grow widely. This is what causes the blocking of gambling content to not be fully effective. Due to blocking content but new gambling content appears. Blocking gambling sites will not be useful if there is still a lot of desire from the community to do gambling online. Online bookies whose sites and content are blocked by the government can essentially update alternative sites that can be accessed by users with certain names disguised by the bookie so as not to be detected by government censorship.<sup>13</sup> The effective way that must be done by the government in addition to blocking sites and content containing gambling and socialization by all circles is the awareness of the conscience of online gambling players to stop.*

*In addition to the government, the role of educational institutions is also important in providing literacy to various levels of society, to be able to build awareness and knowledge of all the negative impacts of technology when misused. What is very concerning is that students with the age category of 11-19 years are involved in online gambling with a transaction value of Rp 293, 4 billion.<sup>14</sup> The amount of transaction value used by student online gambling requires monitoring between schools and parents. It is*

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<sup>11</sup> Agustranjanto, 2002, *The Art of Honing Creativity and Understanding Advertising Language*, Bandung : PT. Remaja Rosdakarya, hal 4

<sup>12</sup> Suryana Asep, 2019, *The Existence of Promotion in the Digital Age*, Jakarta: Bitread Publishing, Hal 351

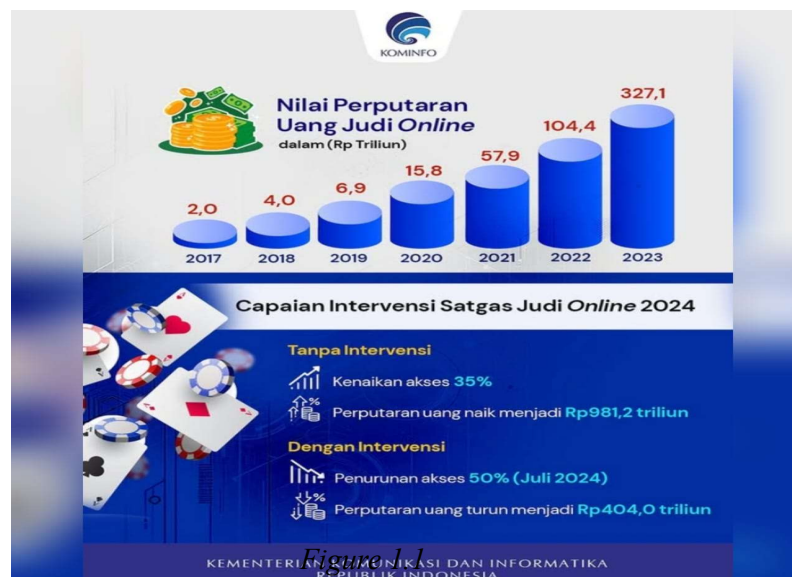
<sup>13</sup> <https://www.tempo.co/hukum/polri-bongkar-3-situs-judi-online-sebut-sulit-diberantas-walau-telah-diblokir-1198048> diakses tanggal 27 Januari 2025

<sup>14</sup> <https://www.menpan.go.id/site/berita-terkini/berita-daerah/perputaran-uang-judol-capai-ratusan-triliun-ratusan-ribu-anak-terlibat> diakses tanggal 09 Januari 2025

*hoped that it can reduce the value of gambling transactions and can produce a young generation that is educated and has a good personality*

**b. Efforts Made by the Government in Eradicating Online Gambling**

*In facing the challenges of the digital era, one of which is the rise of online gambling. The implementation of gambling is one of the negative activities that can harm the material, moral, and mental of the community, especially the younger generation. Based on the PPATK Report in the first semester of 2024, the turnover of online gambling funds reached Rp. 174, 56 Trillion and increased in the second semester of 2024 to Rp. 283 Trillion.*



*Figure 1.1  
Online Gambling Money Turnover Value*

*Based on the picture above, from 2017 to 2023 there was an increase in the value of online gambling money turnover in Indonesia. The increase in 2024 was 981.2 Trillion. This increase is motivated by the large number of transactions with small amounts, the nominal slot gambling deposits are also very affordable for the middle to lower class people and the age of online gambling players reaches a low age.<sup>15</sup> With the factors that result in an increase in online gambling turnover in Indonesia, the government must take steps and efforts to curb, regulate and limit gambling to the smallest environment. central government and local governments must jointly firmly combat online gambling activities*

*The government in 2024 has made efforts to block these online gambling sites. One of them, after the intervention by the Ministry of Communication and Digital, there was a 50% decrease in access in July 2024 and the money circulation decreased by 404.0 Trillion. This is an activity to clean up the digital space carried out by the Ministry of Communication and Digital as an effort to combat online gambling in collaboration with PPATK and OJK.*

*Handling online gambling requires cooperation from upstream to downstream. Both from tracing the flow of funds to reveal the owner of the online gambling network.*

<sup>15</sup> Ivan Yustiavanda, Kepala PPATK, <https://news.detik.com/berita/d-7625107/ppatk-buka-bukaan-data-tren-masif-judol-deposit-rp-10-ribu-bisa-main>, di akses tanggal 01 Januari 2025



*Both the Government and regulators work together in combating the rise of online gambling such as PPATK, Komdigi, BI, OJK by optimizing technology to conduct, patrol, cyber, prevent and detect all online gambling transactions. In addition to cooperation by the government, it must also follow up on influencer accounts that have promoted illegal activities, especially online gambling. Several efforts have also been made by the government by blocking several bank accounts and e-wallets that have been detected making suspicious transactions related to online gambling, both in terms of gambling players and accounts used by bookies to accommodate transfer funds from users of online gambling sites. So it is necessary to increase the cooperation that has been carried out by Kominfo by detecting and blocking gambling sites, PPATK by analyzing transactions affiliated with online gambling*

## **D. CLOSING**

### **1. Conclusion**

- a. Online gambling involves agreements that are often unilateral and vulnerable to manipulation by the bookies such as failure to process deposits, refusal to disburse winnings, and unilateral blocking of accounts, so they are not in accordance with Article 1338 (3) of the Civil Code. Opportunities for potential fraud and violation of agreements that are usually carried out by bookies. Most importantly, all agreements include things that are not lawful so that they do not meet the requirements for the validity of an agreement in Article 1320 of the Civil Code*
- b. The government has issued various regulations, including specific laws and regulations to combat online gambling, such as blocking gambling sites, tracking the flow of funds, and controlling content related to online gambling solicitation. However, the challenges in eradicating online gambling are still great, given its adaptive and evolving nature. Socialization of the dangers of online gambling and increasing digital literacy are needed to build public awareness so as not to be tempted by online gambling.*

### **2. Advice**

- a. To reduce the impact of online gambling, the government needs to develop technology optimization by increasing surveillance of suspicious financial transactions and developing automatic detection technology for gambling sites and applications.*
- b. It is necessary to strengthen special regulations regarding online gambling with multi-stakeholder collaboration involving the government, private sector and civil society with an integrated approach that includes law enforcement, education, and rehabilitation support for victims of online gambling.*

## **LITERATURE**

### **BOOKS**

*Agustranjanto, 2002, The Art of Honing Creativity and Understanding Advertising Language, Bandung : PT. Remaja Rosdakarya*

*Busro Achmad, 2011, Law of Association Based on Book III of the Civil Code, Yogyakarta Tree of Light*

*Marzuki, Peter Mahmud, 2016, Introduction to Legal Science, Jakarta: Prenada Media Group*

*Pasaribu Manarep, Widjaja Albert, Digital Strategy and Transformation () Strategic Management), Jakarta: KPG (Gramedia Popular Library)*

*Peter, Mahmud Marzuki, 2017, Legal Research Revised Edition. Jakarta: Kencana.*

*Suryana Asep, 2019, The Existence of Promotion in the Digital Age, Jakarta: Bitread Publishing*

*Suteki, G. T., & Taufani, G, 2018, Legal research methodology (philosophy, theory and practice) Depok: Rajawali Pres.*

### **JOURNAL**

*Adli, 2015, Online Gambling Behavior (Among Students University Riau), Riau Jom Fisip, Vol 2 Number 2, July 2015*

*Azriadi Tanjung, Sri Ayu Aritha, 2022, Online Buying and Selling in the Perspective of Islam and State Law, Journal of Islamic Economics and Economics, Vol 5 (2), June 2022.*

*Handoko, Duwi, Marlina, 2023, Gambling Under Criminal Law*

*Indonesia and Islamic Criminal Law, El Dusture, Journal of Law and Legislation Invitation, Vol 2 Number 1*

*Rodhiyah, hapsari, Ifahda Pratama, Iskandar Hardian, 2022, Accountability Perpetrators of Online Gambling Crime in Indonesia, Al Manhaj: Journal of Law and Islamic Social Institutions, Vol 4 Number 2*

### **LAWS AND REGULATIONS**

*Law No. 7 of 1974 Concerning the Control of Gambling*

*Law No. 1 of 2024 Concerning the Second Amendment to the*

*Law Number 11/2008 on Electronic Information and Transactions.*

*Government Regulation of the Republic of Indonesia Number 9 of 1981 concerning the implementation of curbing gambling*

*Presidential Decree No. 21 of 2024 on the Task Force Online Gambling Eradication*



*Civil Code*

***INTERNET***

*www.kompas.com November 14, 2024*

*<https://www.tempo.co/hukum/polri-bongkar-3-situs-judi-online-sebut-sulit-diberantas-walau-telah-diblokir-1198048>*

*<https://www.menpan.go.id/site/berita-terkini/berita-daerah/perputaran-uang-judol-capai-ratusan-triliun-ratusan-ribu-anak-terlibat>*

*Ivan Yustiavanda, Head of PPATK, <https://news.detik.com/berita/d-7625107/ppatk-buka-bukaan-data-tren-masif-judol-deposit-rp-10-ribu-bisa-main>*