

## **Legal Aspects in Developing Security Systems to Counter Fraud and Manipulation Threats in Online Gambling**

**Tulkah Husen, Wieke Dewi Suryandari, Tri Susilowati**  
Universitas Darul Ulum Islamic Centre Sudirman, Indonesia  
husenhusen169@gmail.com, wiekedewi11@gmail.com,  
tri.susilowati.undaris@gmail.com

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### **ABSTRACT**

Online gambling emerges as an endeavor characterized by pecuniary stakes, wherein the operational mechanics and wagering parameters are established by entities overseeing online gambling activities. Facilitated by electronic media and internet connectivity, this milieu offers a platform for the engagement of such pursuits. Supplementing the legal underpinning provided by the Indonesian Criminal Code, Law Number 7 of 1974 concerning the Regulation of Gambling furnishes supplementary provisions governing the conduct of gambling activities. The aim of this research is to address the legal aspects in the development of security systems to combat fraud and manipulation threats in online gambling. The process of criminalization ensues with the promulgation of statutes designating certain behaviors, akin to or resembling individual conduct, as proscribed actions subject to punitive reprisals. The research method using normative method legal research. This legislative trajectory culminates in the promulgation of laws prescribing penal sanctions for transgressions. Furthermore, the realm of gambling is subject to regulatory oversight within the purview of Law Number 11 of 2008 about Information and Electronic Transactions (ITE Law). Article 27 paragraph (2) of the aforementioned legislation proffers legal recourse against individuals who, with intent and sans entitlement, disseminate, transmit, or render accessible electronic informational and documentary material imbued with gambling content. Concomitantly, the legal strictures delineated in Article 303 of the Indonesian Criminal Code (KUHP) proscribe gambling activities, imposing penal sanctions that may encompass custodial sentences not exceeding ten years, alongside pecuniary fines amounting to a maximum of Rp 25,000,000.

**Keywords : legal aspects; online gambling; security system development**

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### **INTRODUCTION**

The advancement of information and communication technology has brought about significant changes in how we interact, work, and conduct business. The internet has created a borderless world, connecting people from various parts of the globe, and triggering social, economic, and cultural transformations. In modern life, we heavily rely on technology. On one hand, technology offers significant benefits, such as email, electronic commerce (e-commerce), cyberbanking, online businesses, and internet-based banking services. However, on the other hand, technology also brings negative impacts, such as the emergence of various forms of cybercrime.

The development of information and communication technology has had a profound impact in providing opportunities for innovation and convenience, but it also poses significant risks. One of the negative impacts is the emergence of cybercrime, which involves various illegal and dangerous activities that occur in the digital realm. Cybercrime encompasses a range of activities, including fraud, hacking, data theft, and

the dissemination of malware and computer viruses. Thus, technological advancements have two different sides: on one side, they provide opportunities for growth and efficiency, but on the other side, they threaten security and privacy if not managed wisely. To address these challenges, all of us need to raise awareness of the risks of cybercrime and make more serious efforts to ensure safe and responsible use of technology (Gultom, 2009).

Cybercrime, or virtual crime, is a new type of crime that has emerged as a direct result of the development of information technology, where the internet has become a means to carry out criminal acts. Technological advancements have transformed the forms and methods of various types of crimes. Whereas crimes previously typically involved physical contact between perpetrators and victims, cybercrime can now occur without direct physical contact, only by using the internet and other electronic devices. The utilization of the internet provides opportunities for criminals to carry out criminal activities in a more covert manner, crossing spatial and temporal boundaries, with a much broader, even global, reach. This allows cybercriminals to conduct criminal activities in ways that are more difficult to detect and trace, posing significant challenges to law enforcement and security authorities (Puspitasari, 2018).

In recent years, electronic gaming or online gaming has grown rapidly and impressively. This phenomenon demonstrates how the internet, besides providing convenience and fostering creativity, also presents new challenges and risks that need to be addressed in its management (Setiawan & Arista, 2018). One of the side effects of technological advancements and the emergence of online gaming is the increasing number of online gambling sites on the internet. Online gambling is one form of cybercrime that is increasingly prevalent in Indonesia. According to data from the Financial Transaction Reports and Analysis Center (PPATK), approximately 157 million online gambling transactions occurred in Indonesia during the period 2017-2022 (Agif Septia Meswari & Matnur Ritonga, 2023).

One of the main obstacles in enforcing the law against online gambling is the lack of adequate regulations. Although Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law) does cover online gambling offenses, the penalties imposed are relatively light. Furthermore, the ITE Law has not provided clear guidelines on how to identify and track online gambling perpetrators (Lubis et al., 2022). Another challenge that arises is the technical aspect. Online gambling perpetrators often utilize sophisticated technology to conceal their identities and digital footprints, making it difficult for law enforcement agencies to locate and track them. On the other hand, online gambling perpetrators often operate from abroad, making the enforcement of Indonesian law against them more complex (Pratama, 2024).

Despite facing various challenges, the enforcement of the law against online gambling must still be carried out effectively. This is crucial to protect the public from the losses caused by online gambling and to maintain the social and economic stability of the country. Therefore, an in-depth analysis of the challenges faced and the solutions that can be implemented in enforcing the law against online gambling in Indonesia is needed. Additionally, the role of the government, particularly the Ministry of Communication and Information Technology (Kominfo), is crucial in blocking online gambling sites to limit public access to them.

Based on the background provided, an interesting legal issue to discuss is how to address the legal aspects in the development of security systems to combat fraud and manipulation threats in online gambling.

## **RESEARCH METHOD**

The research method employed in crafting this writing is normative legal research, which is a legal research method conducted by examining library materials and secondary data, with the approach used being normative juridical (statute approach) and descriptive-analytical in nature (Irianto, 2017).

The normative approach is a method used to examine issues in the context of law and legislation, including rules that can be used as a basis for examining issues and their legal consequences. In this case, for example, is Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. The normative approach is applied to specific legislation or written laws related to the concept of law enforcement concerning Online Gambling. This research depicts the object under study's situation, focusing on the regulation and legal aspects in the development of security systems to confront fraud and manipulation threats in online gambling (Irianto, 2017).

## **RESULT AND DISCUSSION**

### **Perpetrators of Online Gambling Crimes.**

Gambling is an activity where individuals bet to choose one option from several options, where only one option is correct and will be the winner. Players who lose the bet will forfeit their wagers to the winner. Rules and the amount of bets are usually established before the game begins. According to the Kamus Besar Bahasa Indonesia (the official dictionary of the Indonesian language), gambling is a game involving the use of money or valuable items as bets, such as dice or card games. Meanwhile, online gambling is a form of gambling conducted through electronic platforms with internet access as the intermediary (Sitompul, 2012).

Article 303 paragraph (3) of the Indonesian Criminal Code (KUHP) defines gambling as any game where the opportunity to profit primarily depends on luck alone, but can also be influenced by the player's skill or ability. This category includes rules governing the outcome of races or other games not participated in by the contestants, as well as various related regulations. Based on the above explanation, online gambling can be understood as a game involving money as a bet, where the game rules and the amount of the bet are determined by online gambling operators. This game utilizes electronic media and internet access as intermediaries (Damayanti, 2024).

Online gambling can become a form of addiction. Initially, someone may just be trying it out and achieving small victories, but those victories can encourage the desire to repeat the experience, usually with larger bets. The thought that the more money is wagered, the greater the chance of winning a larger prize often becomes a reason for people to continue playing. Online gambling has the advantage of accessibility, as it can be done anywhere and anytime, as long as the player has spare time, a sum of money in their account to use as bets, and devices such as computers or smartphones with internet connections to access online gambling platforms. The availability and ease of access can make people more vulnerable to addictive behavior, which can have negative impacts on personal, social, and financial aspects of life (Adhan & Hidayat, 2016).

Criminal actors can be categorized into four groups: Pleger, Doenpleger, Medepleger, and Uitlokker. A perpetrator is someone who fulfills an element of a criminal offense or all elements in the formulation of a criminal act, or who has fulfilled all elements of a delict in its entirety. According to Article 55 of the Indonesian Criminal Code (KUHP), a person may be considered a perpetrator of a criminal act if they, by

giving or promising something, by abusing power or dignity, by using violence, threats, deceit, or by providing opportunities, means, or information, intentionally induce or incite another person to commit a criminal act (Hieariej, 2014). Here is an explanation related to the perpetrator:

a. Pleger

The perpetrator of a criminal act is someone who directly commits the criminal act. To determine whether someone can be considered a perpetrator or main actor in a jointly committed criminal act (participation), two main criteria need to be met. First, the action must significantly contribute to the commission of the criminal act. Second, the action must fulfill all elements of the criminal act as regulated by the applicable law. If these two criteria are met, then someone can be categorized as the main perpetrator of the criminal act.

b. Doenpleger

A doenpleger is someone who incites another person to commit a criminal act. The law does not provide a detailed definition of who is meant by "person who incites others to commit." To understand this concept, experts usually refer to explanations in the MvT WvS Netherlands, which explains that "the person who incites is essentially also acting as the perpetrator of the criminal act, but not directly, but through another person as an instrument in their hands."

c. Medepleger

According to MvT (Memorie van Toelichting) WvS Netherlands, a medepleger is anyone who intentionally participates in committing a criminal act. They are considered to be involved if they consciously and jointly contribute to the commission of the criminal act.

d. Uitlokker

An unlocker is someone who intentionally persuades or instigates another person to commit a criminal act. Several conditions must be met to be categorized as an unlocker. First, there must be someone who has the will or intention to commit the criminal act. Second, there must be another person who is incited or persuaded to commit the criminal act. Third, the method of persuasion or instigation must use one of the methods mentioned in Article 55 paragraph (1) of the Criminal Code. Lastly, the person incited must commit the criminal act by the will or instructions of the person persuading them.

Based on the aforementioned, it can be concluded that perpetrators of online gambling crimes come from various backgrounds, both old and young, entrepreneurs, workers, unemployed individuals, men, and women, and reside in both urban and rural areas. Online gambling perpetrators are often dominated by lower to middle-class groups who believe that they can get rich quickly without the need for hard work or effort, thus tending to be lazy. Gambling, which was previously a common habit in Indonesian society, has now transformed into online gambling, making it easier for perpetrators to engage in. They no longer need to meet directly with gambling partners or engage in gambling secretly in specific locations. Simply by sitting in front of a computer or using a smartphone connected to the internet, they can gamble. Perpetrators can also easily make deposits by transferring money through ATMs or other electronic banking services. This change makes online gambling activities more accessible and widespread in society (Kusumaningsih & Suhardi, 2023).

### **Legal Aspects in Developing Security Systems to Counter Fraud and Manipulation Threats in Online Gambling**

Online gambling is an illegal activity that must be strictly addressed by the government as it can cause various negative impacts on society, including financial problems, addiction, and increased criminal activities related to it. The government plays a crucial role in combating the increasingly prevalent online gambling and its negative effects on society. Actions that the government can take to address online gambling include various comprehensive and coordinated strategies. Here are some actions that the government can take against online gambling:

a. **Strict Law Enforcement**

The government should enforce strong and stringent laws to crack down on online gambling operators. Law enforcement must be carried out effectively, including the arrest and prosecution of online gambling organizers and players.

b. **Blocking Online Gambling Sites and Applications**

The Ministry of Communication and Informatics (Kominfo) can collaborate with internet service providers (ISPs) to block access to websites and applications offering online gambling. This step helps reduce public access to illegal gambling platforms.

c. **Supervision and Monitoring of Financial Transactions**

The government can collaborate with financial institutions and banks to monitor suspicious transactions related to online gambling. This can help identify and cut off the flow of funds associated with illegal gambling activities.

d. **Enhanced Inter-Agency Collaboration**

Enforcement of laws against online gambling requires cooperation among various agencies, including the police, prosecution, Kominfo, and financial institutions. Inter-agency coordination is crucial to ensure effective and coordinated actions.

e. **Public Education and Awareness Campaigns**

The government should raise public awareness about the risks and dangers of online gambling. Educational campaigns can help prevent people from engaging in online gambling activities and reduce demand for such services.

f. **International Cooperation**

Online gambling often transcends borders, so governments need to collaborate with other countries and international organizations to crack down on perpetrators operating from abroad. This includes exchanging information and best practices in addressing online gambling.

g. **Regulatory and Policy Improvements**

The government can review existing laws and regulations to ensure they are robust enough to tackle online gambling. This may include increasing sanctions, policy adjustments, or establishing clearer guidelines on law enforcement against online gambling.

With these actions, the government can be more effective in addressing online gambling and protecting society from its negative impacts. A comprehensive, coordinated, and sustainable approach is crucial to tackling this issue. The legal aspects of the efforts to combat online gambling are covered in Law Number 7 of 1974 concerning the Regulation of Gambling, which serves as additional regulations to the Indonesian Criminal Code (KUHP). The process of criminalizing an act usually begins with the enactment of laws that declare certain actions performed by an individual or

deemed equivalent to an individual as prohibited acts subject to sanctions. This process culminates in the establishment of laws imposing criminal penalties for such acts (Pane & Melisa, 2023).

Additionally, gambling is also regulated in Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law). Article 27 paragraph (2) of Law Number 11 of 2008 concerning Information and Electronic Transactions states that anyone who intentionally and without right distributes, transmits, or makes accessible electronic information and electronic documents containing gambling content may be subject to legal sanctions. Gambling is also regulated in Article 303 of the Indonesian Criminal Code (KUHP). This article stipulates that gambling activities may be punishable by imprisonment for a maximum of 10 years and a fine of up to Rp 25,000,000. The threat applies to anyone who intentionally, without permission, offers or provides gambling opportunities and makes it a source of income, intentionally participates in gambling companies, or intentionally offers or provides opportunities to the general public for gambling, with or without specific conditions or procedures (Dalimunthe et al., 2024).

The regulation of gambling in Indonesia is also governed by Government Regulation Number 9 of 1981 concerning the Regulation of Gambling. In Article 1 of this regulation, it is stated that the state prohibits the granting of permits to organize all forms and types of gambling, whether held in casinos, crowded places, or gambling associated with other reasons. Thus, it is clear that gambling, whether conducted online or directly, is an act prohibited by the state (Sonjaya et al., 2020). Violations of this prohibition can result in criminal sanctions. Based on this regulation, the government has a legal basis to firmly crack down on various forms of gambling, including online gambling, and to impose penalties on the perpetrators. The comprehensive ban reflects the state's commitment to control and eradicate gambling activities in all forms, to protect society from the negative impacts of gambling, and to maintain a good social order (Hermansyah et al., 2023).

The legal provisions contained in Article 27 paragraph (2) of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law) cover subjective and objective elements. The subjective element involves actions carried out intentionally and without right, indicating the intention and deliberateness (*opzettelijke*) of the perpetrator to commit a criminal act, in this case, gambling through the internet. The term "without right" means the perpetrator performs an act prohibited by law or without valid permission. Meanwhile, the objective element of this article includes distributing, transmitting, or making accessible electronic information and/or documents containing gambling content. Gambling referred to is an activity based on elements of chance carried out through an electronic system. Interaction with this electronic system can involve accessing activities that involve standalone systems or networked systems, as regulated in Article 1 number (15) of Law Number 11 of 2008 concerning Information and Electronic Transactions. In this context, actions considered criminal include the dissemination, transmission, or provision of access to content containing elements of gambling (Juanda et al., 2024).

Thus, the prohibition of gambling through the Internet in Indonesia is very strong, with a legal basis stipulated in various articles of Law Number 11 of 2008 concerning Information and Electronic Transactions. Article 27 paragraph (2) of Law Number 11 of 2008 concerning Information and Electronic Transactions expressly prohibits the distribution, transmission, or access to electronic information containing gambling content. Article 28 paragraph (1) of Law Number 11 of 2008 concerning Information and

Electronic Transactions states that anyone who intentionally and without right spreads false and misleading news resulting in consumer losses in electronic transactions may be subject to criminal sanctions of imprisonment for up to 10 years and a fine of up to Rp 1,000,000,000. Sanctions for individuals disseminating gambling content are also regulated in Article 45 paragraph (2) of Law Number 11 of 2008 concerning Information and Electronic Transactions, which stipulates a maximum prison sentence of 6 years and a maximum fine of Rp 1,000,000,000. These provisions affirm that disseminating gambling content via the Internet is a serious violation punishable by severe penalties (Tuwo, 2016).

Based on the explanation in the above laws, it can be concluded that the purpose of these regulations is as a social control for society to not engage in online gambling, as this action can be subject to legal sanctions (Hutapea et al., 2022). Thus, both online and offline gambling practices are not allowed because they can lead to various deviations and losses for the players involved. Additionally, the Financial Services Authority (OJK) has a role in combating online gambling. Based on Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes and Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, OJK collaborates with ministries, relevant institutions, and the financial industry to continuously combat crimes that harm society, including online gambling. OJK also has the responsibility to monitor suspicious financial transactions and ensure that the financial industry is not used to support gambling activities or other crimes. The joint efforts between OJK, relevant ministries, and other institutions are crucial steps in preventing and eradicating online gambling and protecting society from its adverse effects (Adi, 2018).

According to the Law on the Development and Strengthening of the Financial Sector, the Financial Services Authority (OJK) has the authority to instruct banks to block accounts suspected of being used for illegal activities, including online gambling. This action aims to strengthen the integrity of the financial services sector (Sanjaya, 2021). To support this effort, OJK has issued Regulation of the Financial Services Authority Number 8 of 2023 concerning the Implementation of Anti-Money Laundering Programs, Prevention of Terrorism Financing, and Prevention of Financing of Mass Destruction Weapons in the Financial Services Sector. This regulation is made to consider the rapid and dynamic development of innovation and technology in the financial services sector, while still paying attention to security, confidentiality, and risk mitigation aspects. With these regulations in place, it is expected that the financial services sector can adopt stronger practices to prevent the use of the financial system in illegal activities, including online gambling while maintaining the integrity and public trust in the financial industry.

## **CONCLUSION**

Gambling involves placing bets on one option among many, with only one leading to a win, while others lose their wagers. Gambling, as defined by the Indonesian Dictionary and Criminal Code, includes any game where the chance of winning relies mainly on luck, sometimes with skill. Online gambling uses electronic platforms and internet connectivity. Indonesian laws, including Law Number 7 of 1974 and the ITE Law, regulate and criminalize gambling, with potential penalties including imprisonment and fines. Gambling is also regulated in Article 303 of the Criminal Code in which the article states that gambling can be punished with imprisonment for up to 10 years and a fine of up to Rp 25,000,000.

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