

# UNDERSTANDING REGULATIONS OF ONLINE GAMBLING IN INDONESIA: Is It Forbidden?

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## *Abstract*

*This article examines the regulation of online gambling in Indonesia through both positive legal frameworks and religious fatwas issued by Islamic organisations such as the Indonesian Ulema Council (MUI), Muhammadiyah, and Nahdlatul Ulama (NU). The study employs a legal research method with statutory, conceptual, case-based, and comparative approaches. The findings suggest that the eradication of online gambling must be carried out comprehensively by strengthening digital content moderation mechanisms, as regulated under various Indonesian laws. Content moderation may include blocking, reducing visibility, delisting,*

*of a Cybersecurity and Resilience Law that positions content moderation as a primary tool to safeguard Indonesia's digital sovereignty. In this context, fatwas from Islamic organisations play a strategic role in reinforcing moral and social dimensions in combating online gambling. The elimination of online gambling is an integral part of Indonesia's efforts to realise digital sovereignty, which remains vulnerable to foreign interference. The study recommends further research in the form of comparative studies in Muslim-majority countries, focusing on how religious fatwas contribute to the fight against online gambling and how such approaches can be contextualised across jurisdictions. This article contributes to the development of an integrative framework that combines positive legal approaches with religious values in strengthening online gambling eradication policies in the digital era.*

*Artikel ini mengkaji pengaturan judi online di Indonesia melalui perspektif hukum positif dan fatwa-fatwa yang dikeluarkan oleh organisasi keagamaan Islam, seperti Majelis Ulama Indonesia (MUI), Muhammadiyah, dan Nahdlatul Ulama (NU). Penelitian ini menggunakan metode penelitian hukum dengan pendekatan perundang-undangan, konseptual, kasus, dan perbandingan. Temuan studi ini menunjukkan bahwa pemberantasan judi online harus dilakukan secara komprehensif melalui penguatan mekanisme moderasi konten digital yang telah diatur dalam berbagai peraturan perundang-undangan di Indonesia. Moderasi konten dapat meliputi pemblokiran, penurunan visibilitas, delisting, dan sistem pemeringkatan konten. Langkah awal yang krusial adalah pembentukan Undang-Undang Keamanan dan Ketahanan Siber yang menjadikan moderasi konten sebagai instrumen utama untuk menjaga kedaulatan digital Indonesia. Dalam konteks ini,*

*fatwa dari organisasi Islam memiliki peran strategis sebagai penguatan moral dan sosial dalam memerangi perjudian daring. Pemberantasan judi online merupakan bagian integral dari upaya mewujudkan kedaulatan digital Indonesia, yang saat ini masih rentan terhadap infiltrasi pihak asing. Penelitian ini merekomendasikan kajian lebih lanjut dalam bentuk studi perbandingan di negara-negara berpenduduk mayoritas Muslim mengenai kontribusi fatwa keagamaan dalam memberantas judi online, guna memperoleh pendekatan yang khas dan kontekstual di masing-masing negara. Artikel ini berkontribusi dalam memberikan kerangka pemikiran integratif antara pendekatan hukum positif dan nilai-nilai keagamaan dalam penguatan kebijakan penanggulangan judi daring di era digital.*

**Keywords:** *Online Gambling; Regulation; Fatwa; Content Moderation*

## Introduction

Former Minister of Communication and Information Budi Arie Setiadi was questioned by the police at the time this article was written. He was questioned regarding online gambling cases and alleged corruption.<sup>1</sup> The arrest of eleven employees of the Ministry of Communication and Digital (Komdigi) by the police has exposed a troubling reality in the eradication of online gambling crimes.<sup>2</sup> Employees who are tasked with blocking online gambling sites have been implicated in protecting them. Online gambling continues to thrive like mushrooms in the rainy season, flourishing amid the government's efforts to prohibit such practices. Illicit conduct in cyberspace, such as online gambling, is unavoidable, and the government is responsible for eliminating it.

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<sup>1</sup> Dede Leni Mardianti, 'Pemeriksaan Budi Arie Setiadi Berhubungan Dengan Dugaan Empat Perkara Korupsi Kominfo 2022-2024', *Tempo*, December 2024.

<sup>2</sup> Rini Kustiasih, 'Pegawai Kementerian Komdigi Malah Lindungi Bandar Judi, Apa Yang Sebenarnya Terjadi?', *Kompas*, November 2024.

The influence of online gambling, particularly among the younger population, is exceedingly dangerous. Addiction to this habit may interfere with psychological, social, and physical disorders<sup>3</sup> and affect the welfare of society.<sup>4</sup>

An investigation report by Tempo reveals several online gambling sites in Indonesia are categorised as illegal:<sup>5</sup> a). Online Casino Gambling: This category includes games like slots, roulette, blackjack, and baccarat. With attractive animations and deceptive sound effects, online casino gambling is designed to keep players in the game and stimulate players to deposit money repeatedly; b). Online Sports Betting: Players can bet on the outcome of sporting events, both local and international. Football, basketball, badminton, and even esports are also betting events. This can trigger cheating and match-fixing for the benefit of online gambling operators; c). Online Togel Gambling: Togel gambling (*toto gelap*), which guesses lottery numbers, is now available online. Players can easily choose numbers and place bets virtually. Online togel gambling offers the hope of instant wins but is highly risky because this practice is based on luck alone; d). Online Cockfighting Gambling (*sabung ayam*): The sadistic practice of cockfighting has also made its way online. Players can watch the fights and place bets on the chickens they are rooting for. Online cockfighting gambling is not only bad for players' finances but also perpetuates animal cruelty; and e). Online Poker Gambling: The poker card game, which is usually played socially, has now evolved into an online gambling event. Players bet using real money and risk experiencing huge financial losses.

The rule prohibiting online gambling, as stated in Article 27, paragraph 2 of Law Number 11/2008 concerning Electronic Information and Transactions

<sup>3</sup> Ramdani Budiman et al., "The Impact of Online Gambling Among Indonesian Teens and Technology", *LAIC Transactions on Sustainable Digital Innovation (ITSDI)* 3, no. 2 (April 2022): 162–67, <https://doi.org/10.34306/ITSDI.V3I2.559>.

<sup>4</sup> Asrul Ibrahim Nur, et. al., "Eradicating Online Gambling in Indonesia: Reinforcing the Role of Digital Sovereignty and Content Moderation in Cyberspace." Proceeding APHTN-HAN 2.1 (2024): 273-302.

<sup>5</sup> Tempo, "3,2 Juta Pemain Judi Online Di Indonesia, Kenali Modus, Kategori, Dan Sanksi Hukumnya," Tempo, 2024, <https://www.tempo.co/hukum/3-2-juta-pemain-judi-online-di-indonesia-kenali-modus-kategori-dan-sanksi-hukumnya-65049>.

(EIT Law), was originally intended to eradicate online gambling. However, online gambling has grown in popularity, with the lowest classes in both urban and rural areas engaging in the activity. As of September 2024, the former Ministry of Communication and Information Technology has blocked 3,277,834 online gambling sites.<sup>6</sup> Furthermore, this condition is seriously jeopardising Indonesia's digital sovereignty, which should have full authority to ensure and regulate content appropriateness in cyberspace. Online gambling poses a serious threat to Indonesia's digital sovereignty, serving as a potential gateway to the erosion of national control in cyberspace. If the state loses the battle with the gambling industry, it is not far-fetched to imagine other digital giants will take control of Indonesia's cyberspace. Therefore, it is necessary to strengthen the content moderation instrument, which has been regulated too broadly in Indonesian legislation, to eradicate online gambling. Content moderation detects, assesses, and acts on content that undermines societal values.<sup>7</sup> Information moderation is scientifically regarded as an effective tool for controlling illicit information on the internet. When it comes to eradicating online gambling, content moderation can help enforce a preventive law that can be effective if used fairly and consistently.

Several scholars have conducted studies on illegal content moderation in Indonesian cyberspace. Audrine and Setiawan discuss the regulation of content moderation in Indonesia from the perspective of freedom of expression.<sup>8</sup> Furthermore, Paterson discusses the growth of Indonesia's digital ecosystem from the perspective of democratic readiness and maturity to enforce content

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<sup>6</sup> Mentari Puspadi, 'Judi Online Bikin Warga RI Miskin, Kominfo Blokir 3,3 Juta Situs', CNBC Indonesia, September 2024.

<sup>7</sup> Tarleton Gillespie et al., 'Expanding the Debate about Content Moderation: Scholarly Research Agendas for the Coming Policy Debates', *Internet Policy Review* 9, no. 4 (2020): 1–29, <https://doi.org/10.14763/2020.4.1512>.

<sup>8</sup> Pingkan Audrine and Indra Setiawan, *Impact of Indonesia's Content Moderation Regulation on Freedom of Expression* (Jakarta: Center for Indonesian Policy Studies, 2021).

moderation.<sup>9</sup> Wismashanti conducted a different perspective on content moderation in Indonesia by analysing TikTok as a digital user-generated content service provider.<sup>10</sup> Another study by Lewiandy et al. analysed online gambling from a legal and economic perspective, identifying that online gambling can eliminate potential state taxes, loss of consumer protection, and the importance of integrating economic and morality approaches to eradicate online gambling.<sup>11</sup> Furthermore, Novenanty analysed online gambling from the perspective of agreement law and tort law. She concluded that online gambling failed to fulfil the criteria for a valid agreement, so the agreement between the parties in the transaction became null and void. In addition, the legal relationship arising from transactions in online gambling qualifies the elements of illegal acts.<sup>12</sup>

Our study is distinct from the three previously mentioned research results. In this paper, we analyse content moderation from the perspective of digital sovereignty as an effective instrument to eradicate online gambling. The argument developed is that online gambling can reduce the state's digital sovereignty in cyberspace; therefore, it is necessary to strengthen content moderation instruments in Indonesian law.

Based on the research background above, this study will answer two research questions: 1) How is online gambling regulated in Indonesia? 2) How do Islamic organisations see online gambling in Indonesia? and 3) How can content moderation help eradicate online gambling and safeguard Indonesia's digital sovereignty? The lack of state oversight in the digital arena will

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<sup>9</sup> Thomas Paterson, 'Indonesian Cyberspace Expansion: A Double-Edged Sword', *Journal of Cyber Policy* 4, no. 2 (May 2019): 216–34, <https://doi.org/10.1080/23738871.2019.1627476>.

<sup>10</sup> Rizky Amalia Wismashanti, 'Social Media Content Moderation Challenges for Vulnerable Groups: A Case Study on Tiktok Indonesia', *Eduwest-Journal of Universal Studies* 3 (2023).

<sup>11</sup> Lewiandy Lewiandy, Ariawan Gunadi, and Evan Tjoa Putra, 'The Prohibition of Online Gambling in Indonesia: A Law and Economic Analysis', *Indonesia Law Review* 14, no. 2 (2024): 153–74.

<sup>12</sup> Wurianalya Maria Novenanty, 'Online Gambling from the Perspective of Law of Obligations in Indonesia: Affirmation of Legal Consequences', *Pakistan Journal of Life and Social Sciences (PJLSS)* 23, no. 1 (2025), <https://doi.org/10.57239/PJLSS-2025-23.1.00510>.

accelerate the spread of online gambling. The proliferation of online gambling, along with the lack of official engagement in digital space, poses a challenge to digital sovereignty. Content moderation devices that have been regulated under Indonesian rules are deemed ineffectual and must be examined. Strengthening content moderation will contribute to Indonesia's digital sovereignty in cyberspace.

### Research Methods

This article employs legal research methods,<sup>13</sup> including statutory, conceptual, case, and comparative approaches.<sup>14</sup> The statutory approach involves examining legal sources, such as the Indonesian Constitution, Criminal Code, Law No. 11/2008 concerning Electronic Information and Transactions, Law No. 36 of 1999 concerning Telecommunications, Law No. 8 of 2010 concerning Money Laundering, Law No. 27 of 2022 concerning the Protection of Personal Data, and some Policies. The conceptual approach focuses on matters including online gambling, fatwa, moderation and content, while the case approach refers to Budi Arie's case. Furthermore, the comparative approach explores how the national law addresses online gambling and reviews relevant fatwas issued by Muslim organisations. The analytical method uses a combination of prescriptive techniques<sup>15</sup> to generate new arguments about attempts to eradicate online gambling, as well as descriptive methods<sup>16</sup> to illustrate the appropriate way to eliminate online gambling properly. This method was selected to develop a new legal framework for an alternative approach to regulating online gambling in Indonesia.

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<sup>13</sup> Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum Di Indonesia*, 1st ed., vol. 1 (Malang: UMM Press, 2023).

<sup>14</sup> Sholahuddin Al-Fatih and Ahmad Siboy, *Menulis Artikel Karya Ilmiah Hukum Di Jurnal Nasional Dan Internasional Bereputasi* (Malang: Inteligensia Media, 2021).

<sup>15</sup> Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, Cetakan ke (Jakarta: Kencana, 2022).

<sup>16</sup> Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

## Discussion

### How Does Indonesian Law Regulate Online Gambling?

The legal basis for eradicating online gambling in Indonesia stems mostly from the country's strong attitude toward gambling in general, which is based on religious and social standards as well as formal legislation. The legal structure supporting the eradication of online gambling in Indonesia is based on several laws and regulations that prohibit gambling and impose limits on online activities.<sup>17</sup> The 1945 Constitution of the Republic of Indonesia does not directly mention gambling, but it emphasises Pancasila as the state's fundamental, with its first principle: "Belief in the One and Only God." This principle aligns with the values of Islam, the majority religion in Indonesia, which strictly prohibits *maisir* (gambling). Thus, there is an implicit mandate to discourage activities like gambling, which are considered morally harmful.

Online gambling poses serious challenges to Indonesia's digital sovereignty in cyberspace, impacting the country's ability to control, regulate, and secure its digital infrastructure. Online gambling in Indonesia causes several problems: a). It undermines the National Legal Authority. Most online gambling platforms operate from abroad, bypassing Indonesia's laws through offshore servers. This limits the effectiveness of domestic regulations such as the IET Law and the Criminal Code, making enforcement difficult and fragmenting Indonesia's legal sovereignty over digital space; b). it weakens Cybersecurity and National Resilience. Such illicit networks can exploit vulnerabilities in Indonesia's cyber defences, undermining trust in national digital platforms and weakening cyber resilience; c). It leads to content moderation gaps and platform control. Inadequate content moderation mechanisms allow this content to persist, undermining state authority over digital discourse; d). it violates data sovereignty. When hosted abroad, this data

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<sup>17</sup> Adelina Sitanggang et al., 'Penegakan Undang-Undang ITE Terhadap Kasus Judi Online', *Mediation: Journal of Law* 2, no. 4 (December 2023): 16–22, <https://doi.org/10.51178/MJOL.V2I4.1620>.

is stored and processed outside Indonesian jurisdiction, violating data sovereignty principles and increasing the risk of surveillance or misuse.

The Indonesian Criminal Code explicitly prohibits gambling in Indonesia, both offline and online. Under Article 303 of the Criminal Code, gambling is criminalised, with penalties imposed for organizing or facilitating gambling activities. This provides the legal basis for prosecuting individuals or groups involved in gambling. The EIT Law passed in 2008 and amended in 2016 and 2024, addresses issues related to electronic information and transactions, including cybercrimes. Article 27, paragraph 2, explicitly prohibits the distribution of content that facilitates gambling. This law is a critical tool in combating online gambling, as it allows law enforcement to target digital channels used to promote or conduct gambling activities. The EIT Law grants authorities the power to block websites, social media pages, and online gambling applications. This technical capability has been instrumental in reducing access to gambling platforms.

The Telecommunications Law (Law No. 36 of 1999) requires all telecommunications activities to comply with Indonesian law and principles of decency. Authorities interpret this as justification for blocking telecommunications that support gambling websites or apps. This law has been used to force Internet Service Providers (ISPs) to cooperate in blocking or restricting access to gambling sites. Law No. 8 of 2010 concerning Money Laundering provides additional support for prosecuting online gambling operations. Since gambling transactions often involve large sums of money, they can be associated with money laundering activities. This law allows authorities to investigate and prosecute online gambling operators for financial crimes, including money laundering, adding another layer of enforcement.

Overall, Indonesia has tried to maintain its digital sovereignty through various legal instruments adopted. These legal instruments represent a state's presence in the digital space, regulating and controlling all parties that utilise it. The existence of criminal law, electronic transaction law, telecommunication law, and money laundering criminal law is aimed at preventing and cracking

down on online gambling. However, online gambling activities remain massive, indicating weak state control in the digital space despite the existence of legal instruments. Moreover, many online gambling operations are carried out outside the jurisdiction of Indonesian law, such as in Cambodia. To uphold sovereignty in the digital space, the state needs to adopt various legal instruments and mobilise law enforcement apparatus in the cyber world to crack down on the root causes of online gambling.

Indonesia's predominantly Muslim population views gambling as morally wrong. Local governments, particularly in conservative provinces such as Aceh, have passed regional regulations to strengthen the fight against gambling. In Aceh, for example, Islamic Sharia law strictly bans gambling, with offenders facing both legal and social penalties. Indonesian authorities also argue that gambling is harmful to public morals, economic stability, and social welfare, as it can lead to addiction and financial ruin for many individuals. This perspective is reflected in law enforcement's approach, which frames gambling as a public health and social issue in addition to a criminal one. In sum, Indonesia's legal framework gives the government clear authority to eradicate online gambling. These laws reflect both the country's religious values and its desire to protect citizens from activities deemed harmful to their social and economic well-being.

### **Online Gambling in Islamic Law (Related to Fatwa from Islamic Organisations in Indonesia)**

Indonesia is a country with a major Muslim population. In this regard, some Islamic organisations in Indonesia stand against gambling simply because it is haram (forbidden). The Secretary of the MUI Fatwa Commission, KH Miftahul Huda, asserted that in Islamic law, gambling, including online

gambling, is one of the acts that is prohibited and haram.<sup>18</sup> Allah SWT said in QS Al-Maidah [50] verse 90:

Meaning: *"O you who believe! Indeed, drinking alcohol, gambling, (sacrificing to) idols, and drawing lots of fortunes with arrows, are heinous acts and are among the acts of Satan. So, stay away from those (actions) so that you will be lucky."*

Like the MUI, Muhammadiyah also stands against it. To address the rampant problem of online gambling, it is important to realise that gambling is forbidden in Islam and has detrimental effects. Educating people and discouraging them from doing gambling practices are necessary. With collective awareness and action, this mass addiction can be combated while the well-being of individuals and our society are protected.<sup>19</sup> Muhammadiyah, like the MUI, does not have an official fatwa on online gambling issued by the Majelis Tarjih. However, the prohibition of online gambling is the same as the prohibition of online games that contain elements of *gharar*. In relation to this, Muhammadiyah refers to an article in the Suara Muhammadiyah Bulletin No. 14, 2011. *Gharar* means uncertainty—an element that exists in both conventional and online gambling, where winning is not a certainty, while Islam forbids such uncertainty. In Islamic law, transactions containing an element *gharar* can be considered defective if the uncertainty is significant or not defective if the uncertainty is insignificant.<sup>20</sup>

In addition to the MUI and Muhammadiyah, the prohibition of gambling is also agreed upon by Nahdlatul Ulama (NU), quoting the view of Imam Al-Qurthubi explaining that Allah SWT declared the prohibition of gambling

<sup>18</sup> Junaidi, 'Komisi Fatwa MUI Ingatkan Bahaya Konsumsi Haram Hasil Judi Online', Majelis Ulama Indonesia, 2024, <https://mui.or.id/baca/berita/komisi-fatwa-mui-ingatkan-bahaya-konsumsi-haram-hasil-judi-online/>.

<sup>19</sup> Ilham, 'Judi Online Hukumnya Haram!', Muhammadiyah, 2023, <https://muhammadiyah.or.id/2023/10/judi-online-hukumnya-haram/>.

<sup>20</sup> Gunariah, F., Al Hakim, S., Jubaedah, D., Apriani, T., & Hidayatunnisa, N. F. (2024). Perbandingan Fikih Tentang Gharar. Rayah Al-Islam, 8(1), 161-174. <https://doi.org/10.37274/rais.v8i1.922>

and drinking alcohol at the same time because both have similarities. *First*, consuming a small amount of alcohol is forbidden, although it does not intoxicate. Similarly, gambling is also forbidden, although it does not intoxicate. *Second*, drinking alcohol can make people neglect their worship due to intoxication. Likewise, gambling can make its players indulge in pleasure, leaving them negligent. (Al-Qurthubi, Al-Jami' li Ahkamil Qur'an, 2006: juz VIII, p. 165).<sup>21</sup>

Related to online gambling in Indonesia, the newest and contemporary *ijtihad* was taken by Teungku Dayah in Aceh. On 26 December 2020, Teungku Dayah also held a Bahtsul Masā'il activity to discuss the laws of the Higgs Domino Island Online Game, better known as Game Chip. This theme was chosen because this game is considered to contain elements of online gambling. The Bahtsul Masā'il, which was organised by the Aceh Nahdlatul Ulama Regional Board (PWNU) resulted in the following decision: First, online games that contain elements of gambling are haram; second, Higgs Domino Island Online Game is haram because it contains elements of gambling; third, other online games that do not contain elements of gambling are haram if they meet other criteria: they cause physical and mental harm, contain elements of violence, insult Islamic symbols, resemble the traditions of *fasiq* people, and contain immoral elements; fourth, providing online gambling facilities and games that meet the criteria of haram is haram.<sup>22</sup>

So, even though there is no direct fatwa ruling, either from the MUI (through the Fatwa Commission), Muhammadiyah (through the Tarjih Council) and NU (through the Lajnah Bahtsul Masa'il, including Teungku Dayah in Aceh), online and conventional gambling is considered haram and, therefore, online gambling is prohibited.

<sup>21</sup> Muhamad Abror, 'Marak Judi Online, Ini Dalil Keharamannya Dalam Islam', NU Jatim, accessed 24 December 2024, <https://jatim.nu.or.id/keislaman/marak-judi-online-ini-dalil-keharamannya-dalam-islam-ta85v>.

<sup>22</sup> Teuku Zulkhairi et al., "Bahtsul Masā'il at a Traditional Islamic Educational Institution in Aceh: Teungku Dayah's Contribution to the Development of Islamic Law," *Samarah* 8, no. 1 (2024): 579–601, <https://doi.org/10.22373/sjhk.v8i1.17408>.

## Content Moderation in Cyberspace to Eradicate Online Gambling in Indonesia

Online gambling, as an activity that is prohibited by Indonesian law, also has a financially detrimental impact. Based on the data released by the Financial Transaction Reporting Centre (PPATK), the amount of money circulating online gambling sites as of December 2024 reached IDR 359.8 trillion.<sup>23</sup> While efforts to block online gambling sites continue, online gambling activities remain widespread, often promoted by public figures on social media platforms. Under Indonesian law, digital service providers are obliged to moderate content and prevent the circulation of illegal material within their platforms. However, the persistent presence of online gambling-related promotions across digital spaces reveals the inadequacy of current content moderation mechanisms. This ongoing failure poses a serious threat to Indonesia's digital sovereignty, leaving it increasingly vulnerable.

There are at least three aspects that make content moderation instruments powerless against online gambling. First, online gambling is not yet considered a threat that can jeopardise national cybersecurity. Second, violations of content moderation by digital service providers are only punishable by administrative sanctions. Third, there is a lack of education for digital service users regarding online gambling content. To overcome these three problems, it is necessary to strengthen content moderation instruments in Indonesian law. Strengthening measures begin with consolidating Indonesia's digital sovereignty by enhancing cyber resilience. Currently, legal provisions regarding cyber resilience are dispersed and dominated by statutory regulations.

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<sup>23</sup> Pusat Pelaporan Transaksi Keuangan, 'Laporan Tahunan 2024 Integritas PPATK Mengawal Asta Cita', Annual report (Jakarta, Indonesia: Pusat Pelaporan Transaksi Keuangan, 31 December 2024), [https://www.ppatk.go.id//backend/assets/images/publikasi/1742962416\\_.pdf](https://www.ppatk.go.id//backend/assets/images/publikasi/1742962416_.pdf).

**Table 1. The Indonesian Law concerning Cybersecurity**

Sector	Regulations
Communications and Informatics	Electronic Information and Transactions Law (Law 11/2008)
	Government Regulation concerning The Implementation of Electronic Systems and Transactions (GR 71/2019)
	Communication and Informatics Minister Regulation concerning The Implementation of Private Electronics System Providers (MCI Regulation 5/2020)
Financial Services	The Financial Sector Development and Reinforcement Law (Law 4/2023)
	Financial Services Authority Regulation concerning the Implementation of Information Technology by Commercial Bank (FSA Regulation 11/POJK.03/2022)
E-Government	Circular Letter of the Financial Services Authority concerning The Implementation of Risk Management in the Adoption of Information Technology by Non-Bank Financial Services Providers (22/SEOJK.05/2021)
	Indonesian Central Bank Regulation concerning Payment Service Providers (PBI 23/6/PBI/2021)
E-Government	National Cyber and Crypto Agency (BSSN) Regulation concerning The Guidelines for Information Security Management of Electronic-Based Government Systems and Technical Standards and Procedures for Security of Electronic-Based Government Systems (NCCA Regulation 4/2021)
	National Cyber and Crypto Agency (BSSN) Regulation concerning Security Systems in the Implementation of

Sector	Regulations
	Electronic Systems (NCCA Regulation 8/2020)
Crypto Trading	Commodity Futures Trading Regulatory Agency Regulation concerning The Guidelines for Trading in the Physical Market of Crypto Assets on Futures Exchanges (CFTRA Regulation 8/2021)
	Government Regulation on Implementation Law Number 17 of 2023 on Health (GR 28/2024)
Healthcare	Minister of Health Regulation concerning The Implementation of One Data in the Health Sector through Health Information System (MHR 18/2022)
	Minister of Health Regulation concerning The Implementation of Medical Record (MHR 24/2022)
Defence	Minister of Defence Regulation on Cyber Defence Guidelines (MDR 82/2014)

Source: Compilation from Indonesian Law (2024)

The Table above indicates that cybersecurity provisions in Indonesia are scattered across various sectors and not integrated. Therefore, the adoption of a Bill on Cyber Security and Resilience is a necessity.<sup>24</sup> Online gambling should be considered a cyber threat that poses a risk to national security. In addition, online gambling also threatens the national economy, especially the digital economy that is being built by the government.<sup>25</sup> Such a threat circulates money to other countries such as Cambodia and China. Strengthening cyber

<sup>24</sup> Indirwan and Sarah Safira Aulianisa, 'Critical Review of the Urgency of Strengthening the Implementation of Cyber Security and Resilience in Indonesia', *Lex Scientia Law Review* 4, no. 1 (May 2020): 31–45, <https://doi.org/10.15294/LESREV.V4I1.38197>.

<sup>25</sup> Rama Halim Nur Azmi, 'Indonesian Cyber Law Formulation in The Development of National Laws In 4.0 Era', *Lex Scientia Law Review* 4, no. 1 (May 2020): 46–58, <https://doi.org/10.15294/LESREV.V4I1.38109>.

security and resilience through the adoption of the Law concerning Cyber Security and Resilience is the foundation for the eradication of online gambling. However, it should be noted that the adoption of this law should not become an instrument that restricts civil liberties, including the freedom of speech and the right to criticise the government.<sup>26</sup> Content moderation mechanisms can be automated through the control of algorithms and the use of artificial intelligence.<sup>27</sup> Another form is a manual mechanism, utilising trusted flaggers, as adopted by the European Union's DSA regime.<sup>28</sup> The form of moderation can also be conducted using a variety of techniques, ranging from blocking and visibility reduction (demotion) to delisting and content ranking.<sup>29</sup>

Strengthening content moderation must also be accompanied by strict sanctions, both administrative and criminal. Administrative sanctions, such as fines or suspension of operations, are imposed on digital service providers and users who fail to comply with their content moderation obligations. Meanwhile, criminal sanctions are imposed on digital service providers and users who disseminate, transmit, or upload content classified as a criminal offence under Indonesian law. In the context of online gambling, digital service providers and funders are the first to be punished. The eradication of online gambling must begin at the top by requiring consistent content moderation, accompanied by strict sanctions.

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<sup>26</sup> ELSAM, 'RUU Keamanan Dan Ketahanan Siber: Problem Dalam Pengaturan Dan Ancaman Terhadap Kebebasan Sipil', Lembaga Studi dan Advokasi Masyarakat, Imparsial, dan Institut Demokrasi dan Keamanan Indonesia, December 2019.

<sup>27</sup> Robert Gorwa, Reuben Binns, and Christian Katzenbach, 'Algorithmic Content Moderation: Technical and Political Challenges in the Automation of Platform Governance', [Https://Doi.Org/10.1177/2053951719897945](https://doi.org/10.1177/2053951719897945) 7, no. 1 (February 2020), <https://doi.org/10.1177/2053951719897945>.

<sup>28</sup> Naomi Appelman and Paddy Leerssen, 'On "Trusted" Flaggers', *Yale Journal of Law & Technology* 24 (2022).

<sup>29</sup> Paddy Leerssen, 'An End to Shadow Banning? Transparency Rights in the Digital Services Act between Content Moderation and Curation', *Computer Law & Security Review* 48 (April 2023): 105790, <https://doi.org/10.1016/J.CLSR.2023.105790>.

Another important aspect of the fight against online gambling is compliance with Law No. 27 of 2022 concerning Personal Data Protection (PDP Law). Protection obligations in the processing of personal data by digital service providers must be implemented. In the context of combating online gambling, digital service providers and internet networks are obliged to cooperate with the authorities to block online gambling sites. In addition, law enforcement can identify people involved in online gambling through data held by digital service providers in processing personal data based on Article 15, paragraph (1) of the PDP Law.

The abolition of online gambling is necessary to achieve Indonesia's digital sovereignty in cyberspace. A robust and firm deployment of content moderation is required to achieve this sovereignty. Content moderation must be conducted in a manner that respects the principles of human rights established by the Constitution. As a result, in order to execute content filtering, there must also be an appeal system for decisions regarding blocking, demotion, or delisting made by digital service providers or the government. Furthermore, this mechanism is a component of the democratic space created to protect public rights in the digital world. Furthermore, to achieve democratisation in the implementation of content filtering, authorities and digital service providers must be transparent and accountable.

## Conclusion

Online gambling is a criminal that undermines Indonesia's digital sovereignty. Eradicating online gambling is part of Indonesia's efforts to achieve digital sovereignty. Digital sovereignty cannot be achieved without content regulation based on cybersecurity and resilience, personal data protection, the provision of free expression, and democratic principles. Establishing a cybersecurity and resilience law that utilises content moderation as a tool to maintain cybersecurity and resilience can be a good first step. Indonesia may adopt the content moderation mechanism implemented by China or the European Union to achieve its digital sovereignty. Certainly,

adjustments are needed by considering the ideology, values and laws that apply in Indonesia. The eradication of online gambling must be accompanied by strong state control over its digital space. Without this, Indonesia's cyberspace will be dominated by other actors who can do harm. The eradication of online gambling is the realisation of Indonesia's digital sovereignty in cyberspace, which currently remains fragile and prone to being co-opted by other parties. Moreover, it is essential to strengthen the stance against online gambling by issuing a fatwa from Islamic organisations, such as MUI, Muhammadiyah, and NU. As a recommendation for further research, how countries with Muslim-majority populations fight against online gambling needs to be considered, allowing further research to focus on comparative studies, investigating how fatwas from Islamic organisations in their countries can contribute to eradicating online gambling. Such a comparative study will yield significant insights, highlighting the distinct characteristics of each country in combating online gambling.

Future research is recommended to conduct a comparative analysis of how Muslim-majority countries formulate strategies to combat online gambling through both positive legal frameworks and the support of religious norms. The primary focus may be directed toward examining the role of fatwas issued by Islamic organisations in each country and the effectiveness of their implementation within different legal and socio-cultural systems. Such a study would provide deeper insight into the synergy between state policy and religious authority in safeguarding digital sovereignty and enhancing societal resilience against cybercrimes related to online gambling. Furthermore, this research holds the potential to generate valuable novelties that are unique to each jurisdiction, which may serve as contextual and responsive references for policy development in Indonesia.

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