

Online gambling: Cross-border aspects and potential risk of divorce

Deni Setiyawan^{1*}, Ana Fauzia², Muhammad Azimuddin Mohamed³, Ifahda Pratama Hapsari¹, Anis Mashdurohatun⁴, Dodi Jaya Wardana¹

¹ Faculty of Law, Universitas Muhammadiyah Gresik, Indonesia

² Faculty of Law, Universitas Airlangga, Indonesia

³ Faculty of Law, Universiti Kebangsaan Malaysia, Malaysia

⁴ Faculty of Law, Universitas Islam Sultan Agung, Indonesia

*Corresponding Author: denisetiyawan@umg.ac.id

Abstract

Introduction to the Problem: Online gambling produces cascading social harms (debt, mental distress, and family conflict) that are surfacing in Indonesian divorce cases. Yet core enforcement gaps persist because gambling platforms, servers, and payment rails are frequently offshore and evidence is digital and volatile. Existing tools in the ITE Law and the Criminal Code lag behind these modalities.

Purpose/Study Objectives: To analyze how cross-border features of online gambling undermine Indonesian criminal and family-law responses, and to propose an integrated reform agenda that links criminal accountability with family protection.

Design/Methodology/Approach: Normative legal research combining statutory and conceptual analysis with comparative insights (licensed regimes such as Australia/UK; prohibition/ambiguous regimes) and illustrative Indonesian Religious Court decisions referencing gambling-driven marital breakdown.

Findings: Indonesia's response is hampered by three enforcement deficits: (1) Platform/finance dependence: foreign digital platforms and domestic payment intermediaries (banks, e-wallets, telecoms) enable chip-based and crypto-denominated flows that current doctrine barely reaches; (2) Digital-evidence fragility: logs, metadata, and accounts are transient or hosted abroad, while preservation and admissibility standards and forensics capacity remain under-specified; and (3) Limited cross-border reach: narrow MLAT/extradition coverage and dual-criminality barriers where gambling is legal overseas. These deficits help explain a growing footprint of gambling in Indonesian divorce pleadings and judicial reasoning, even when causation is indirect (asset dissipation, coercive financial control, persistent conflict). Comparative practice shows courts can recognize gambling-related "wastage" in property division and maintenance, while regulators can harden payment and advertising controls. Overall, the paper finds that doctrinal silos between criminal/ITE rules and the Marriage Law weaken both enforcement and family protection.

Paper Type: Research Article

Keywords: Online Gambling; Divorce; Cross-border Jurisdiction; Family Law



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Introduction

Data from the Central Statistics Agency indicate that divorces caused by gambling in Indonesia increased steadily between 2018 and 2023. In 2023 alone, 1,572 couples divorced for gambling-related reasons, marking the highest figure since the COVID-19 pandemic ([Central Statistics Agency, 2023](#)). However, BPS does not specify the type of gambling involved, leaving both offline and online gambling within this category. Online gambling, in particular, generates complex social consequences. It frequently triggers financial problems such as debt, bankruptcy, and loss of household income, which undermine family stability and heighten stress and anxiety. Beyond financial harm, online gambling addiction contributes to psychological disorders including depression and chronic worry. These conditions affect not only the individual gambler but also their family, social relationships, and workplace. Ultimately, the combined financial and psychological pressures often escalate into marital breakdown and divorce ([Rodhiyah et al., 2022](#)).

Judges often consider online gambling addiction as a valid ground for divorce under Article 39 Paragraph (2) of Law No. 1 of 1974 (amended by Law No. 16 of 2019) and Article 19 letter (f) of Government Regulation No. 9 of 1975. These provisions allow divorce when continuous conflict and separation occur without hope of reconciliation. In one case reviewed by the author, the husband's addiction to online gambling caused ongoing quarrels and neglect of marital obligations. The panel of judges granted the divorce on the basis of Article 19 letter (f), confirming that persistent disputes arising from gambling addiction constitute a legally recognized reason for marital dissolution. Higgs Domino Island is an online game application that is easy to download and play on Android smartphones. This application offers various types of games that require players to have chips in order to play. This qualitative study shows that the need for chips triggers the practice of buying and selling chips with money, thereby transforming the online game into a form of online gambling. This activity is very accessible and easy to play for the public. In Higgs Domino Island, chips are used as virtual currency to play various games that resemble forms of gambling, such as Domino QiuQiu, Slots, and Rummy. These chips are not only a requirement to play, but are also used as a betting tool in each round of the game ([Simbolon, 2022](#)). The chips in Higgs Domino are not legal tender or financial assets recorded in the banking system. Therefore, chip transactions do not go through banking channels or financial institutions supervised by the authorities, so they are not detected by the Financial Intelligence Unit (FIU) or financial transaction supervisory institutions ([El Rahman, 2023](#)).



The use of chips in online gambling creates major obstacles for law enforcement because it disguises illegal financial transactions. Since chips are virtual and not recognized as legal tender, they fall outside conventional financial regulations, making it difficult for authorities to assess transaction values and prove gambling elements ([Mooij, 2024](#)). Offenders can transfer chips between accounts without formal payment systems, enabling gambling activities to operate undetected. Many chips are also traded on the black market through cryptocurrencies or unsupervised platforms, further complicating fund tracing ([Mahesa & Widiatno, 2025](#)). Although Indonesia prohibits online gambling under the Criminal Code, Law No. 7 of 1974 on Gambling Control, and the ITE Law (Law No. 19 of 2016), enforcement remains problematic. The challenges extend beyond Indonesia's borders and are aggravated by legal loopholes that have yet to be addressed.

Law No. 1 of 2024 (Second Amendment to the ITE Law) in Article 27 paragraph (2) prohibits distributing, transmitting, or accessing electronic information containing gambling. Yet, it does not regulate essential online gambling practices such as game organization, virtual chips, or digital fund flows. Likewise, Articles 303 and 303 bis of the Criminal Code address only conventional gambling, overlooking digital systems, offshore servers, and virtual payments. The absence of provisions on cross-border jurisdiction, digital evidence, and foreign-based platforms weakens enforcement. Consequently, both the ITE Law and the Criminal Code fail to meet the complexities of online gambling, underscoring the urgency of reform through specialized digital-era regulations. Handling online gambling also requires coordination among Ministry of Communication and Digital, Indonesian National Police, Financial Transaction Reporting and Analysis Center, Financial Services Authority, and the Attorney General's Office, each with distinct roles but often working in isolation ([Harefa, 2024](#)). Ministry of Communication and Digital blocks sites without arrest authority, while Indonesian National Police depends on digital and financial data held by Financial Transaction Reporting and Analysis Center or Financial Services Authority. Without real-time coordination and data sharing, prosecutions become slow and inefficient. Bureaucratic hurdles and the absence of unified leadership further delay action ([Ujung, 2025](#)). Limited joint training and conflicting priorities intensify fragmentation. Thus, despite blocking thousands of sites, authorities struggle to dismantle gambling networks and prosecute key perpetrators.

In addition, the transnational aspect is also needed in facing the sophistication of technology. As previous discussion, online gambling sites are often accessed by users from one country, while the servers, operators, and financial systems are based in other countries that may have different or more lax regulations. These jurisdictional differences mean that law enforcement officials in one country cannot directly access data, arrest offenders or block sites without legal assistance from another country ([Egerer & Marionneau, 2024](#)). Moreover, online gambling often involves international financial flows and the use of digital assets such as chips or cryptocurrencies that are traded on global markets anonymously. Such transactions make tracking difficult and

open the door to money laundering practices. Under these conditions, cooperation between countries is needed to share information, conduct joint investigations, access cross-border data, and extradite perpetrators. Without international coordination, law enforcement efforts against online gambling will always be limited and ineffective, as perpetrators can easily utilize legal loopholes between countries and technology to avoid legal responsibility ([Arisetyanto, 2023](#)).

Previous research has linked online gambling to divorce but left major gaps. ([Hakim et al., 2023](#)) only analysed one Religious Court decision in Langkat (Case No. 1519/Pdt.G/2023/PA.Stb) and focused on judicial considerations without legal reconstruction. Studied the issue through the Criminal Code and sociological impacts but ignored its intersection with the ITE Law and the Marriage Law. ([Situmeang et al., 2023](#)) examined family disharmony under Islamic family law but limited the study to doctrinal exposition without comparative or reform-oriented proposals. No study has yet combined the ITE Law, the Criminal Code, and the Marriage Law to analyse online gambling and divorce. While the ITE Law and the Criminal Code regulate the criminal and technical aspects, the Marriage Law establishes family protection ([Asman, 2024](#)). Earlier studies treated these laws separately and overlooked their collective function in addressing both criminal liability and family consequences. This gap is significant because online gambling causes multidimensional harm, from criminal violations to family breakdown. This study adopts a comprehensive approach by integrating the ITE Law, the Criminal Code, and the Marriage Law, and by addressing cross-border jurisdiction, Mutual Legal Assistance, and extradition. Beyond normative analysis, it proposes reforms such as psychological counselling, financial literacy, and lessons from Australia. The article argues that Indonesia's anti-gambling laws remain ineffective because criminal and family law lack synergy. This disconnection weakens enforcement and fails to protect families, highlighting the need for holistic reform that links criminal accountability with family resilience.

Methodology

This study uses a normative legal method with three approaches: legislative, conceptual, and comparative. The legislative approach analyzes Indonesian legal provisions related to online gambling and divorce. The conceptual approach examines how online gambling indirectly triggers marital breakdown within the framework of the ITE Law and the Criminal Code. The comparative approach compares the Indonesian legal framework with other jurisdictions that legalize or prohibit online gambling, chosen because they represent diverse regulatory objectives and law enforcement practices. Comparative jurisdictions are grouped into three models: (1) Legalization and Licensing (Australia, United Kingdom, Norway, Denmark, Italy, France, several US states, Antigua and Barbuda), to show how legalization balances consumer protection, state revenue, and impact control. (2) Total Prohibition (Russia, Germany), to illustrate the challenges of strict prohibition in the digital age. (3) Ambiguous or Dual-Regulation (Myanmar, Vietnam, Cambodia, Singapore), to show the tension between domestic prohibitions and the economic



interests of gambling tourism. Primary sources of law consist of the Electronic Information and Transactions Law, the Criminal Code, and the Marriage Law, while secondary sources include scientific literature, journal articles, official websites, legal commentary, and other relevant references.

Results and Discussion

Cross-Boarder Aspect of Online Gambling as The Indirectly Impact of People's Behaviour

According to Indonesian law, territorial factors serve as the basis for jurisdiction over cybercrime. Article 2 of ITE Law provides proof of this. Article 2 says the following:

"This Law applies to every person, whether committed within the jurisdiction of Indonesia or outside the jurisdiction of Indonesia, and which has a legal effect that is detrimental to the interests of (This law is applicable to everyone who carries out the legal actions specified in it, whether they are carried out inside or outside Indonesian territory, have legal repercussions within or outside Indonesian territory, and jeopardize Indonesian interests)."

The jurisdiction as set out above covers a very wide area of law. In this instance, it's also important to take into account the international rule that states that law enforcement may only be implemented if every nation declares a particular behaviour to be illegal ([Setiyawan et al., 2024](#)). This implies that Indonesian law enforcement officials can only engage in international law enforcement cooperation with other nations if both Indonesia and the nation making the request designate internet gambling as a criminal violation ([Setiyawan & Rahmad, 2024](#)).

In the context of law enforcement against online gambling in Indonesia, there is an intersection between national law and international law that poses serious challenges. Indonesian national law strictly prohibits all forms of gambling, both conventional and online, as regulated in the Article 27 paragraph (2) ITE Law. In the ITE Law, specifically Article 27 paragraph (2), it is stated that "every person intentionally and without right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents having gambling content". However, when online gambling sites or platforms are operated from other countries that legalize the activity, a clash of jurisdictions arises. These sites are under the legal protection of their country of origin and are not subject to Indonesian legal authorities, thus Indonesian law enforcement officials do not have direct authority to take action against offenders abroad. In this case, law enforcement requires cross-border cooperation through international legal instruments such as Mutual legal Assistance or extradition treaties, which are often limited or do not cover gambling offenses ([Jia et al., 2022](#)). This intersection exposes a gap in the global legal system, where illegal acts in one country can remain free because they are legal in another. As a result, successful law enforcement in Indonesia relies heavily on international cooperation and the effectiveness of cross-border digital surveillance systems ([Igomu et al., 2024](#)).

One of Indonesia's main weaknesses in combating online gambling is the limited implementation of Mutual legal Assistance, which is cross-border legal cooperation for criminal investigation, prosecution and law enforcement ([Pambudhi, 2024](#)). Although Indonesia has issued Law Number 1 of 2006 on Mutual legal Assistance in Criminal Matters, its implementation has not been maximized, especially in dealing with cross-border cyber crimes such as online gambling ([Erlangga, 2025](#)). Currently, Indonesia has only formally established bilateral Mutual legal Assistance agreements with a limited number of countries, such as Australia, the People's Republic of China, Hong Kong, South Korea, India, Vietnam, the United Arab Emirates, Iran, and Switzerland. In addition, Indonesia also has limited multilateral Mutual legal Assistance agreements in the Association of Southeast Asian Nations region which includes Brunei Darussalam, the Philippines, Malaysia, Singapore, Thailand, Laos, Myanmar, Cambodia, and Vietnam. However, there are still many countries in the world that do not have formal Mutual legal Assistance with Indonesia, especially major European countries such as Germany, France, the Netherlands, and the United Kingdom, as well as North American countries such as the United States and Canada, including African countries and other parts of Asia ([Tjandra, 2024](#)).

Without these agreements, Indonesia cannot seek formal legal assistance to block, seize assets or extradite overseas gambling operators. This creates a jurisdictional gap, where perpetrators are free to operate without fear of national legal sanctions. In addition, Mutual legal Assistance processes are often time-consuming and administratively complex, while digital crime is fast-paced and dynamic. The lack of coordination between international law enforcement agencies and Indonesia's lack of diplomatic capacity in building Mutual legal Assistance networks for digital crimes further exacerbates the situation ([Ahyani et al., 2024](#)). Without actively and progressively strengthening international legal cooperation, Indonesia will continue to experience difficulties in cracking down on major online gambling offenders who are beyond the reach of domestic law.

There are many different types of cross-border internet gambling, and different nations have different views on gambling. First of all, attitudes toward internet gambling are more accepting in some nations and areas than others ([Wilson et al., 2023](#)). For instance, Antigua and Barbuda was the first country in the world to permit internet gambling. Online lottery and betting are legal in Australia. In internet gaming, Norway's state-affiliated gambling corporation holds a monopoly. Licenses will be granted by the UK to specific online gaming businesses ([Gainsbury et al., 2019](#)). In addition, Denmark, Italy, and France have implemented licensing laws. Certain types of domestic online gambling are permitted in three states in the United States, but only for residents of those states. Second, there are certain nations and areas that have a bad opinion of internet gambling. For instance, it is entirely illegal to gamble online in Russia, and it is also illegal to offer any kind of technical assistance or related services ([Ma et al., 2021](#)). Any gambling via the network is forbidden in Germany, and playing online gambling outside of Germany is likewise prohibited.



Thirdly, several nations and areas—such as Burma, Vietnam, Cambodia, Singapore, and other southeast Asian nations—have ambiguous views about internet gambling (Griffiths, 2023) and consider it to be a major industry. While they impose severe age and income restrictions on their citizens, they let foreigners to play and invest in their casinos throughout every nation (Setiyawan et al., 2024). The forms of criminal jurisdiction disputes arising from cross-border internet gambling may be broadly classified into two groups, based on the previously mentioned causes. First of all, there are difficulties over international aid when cross-border internet gambling cases include nations with disparate views on gaming. Second, disputes between nations arise from divergent jurisdictional principles (Leslie & McGrath, 2023).

When international law or rather, the laws of other countries-legalize online gambling and provide widespread access, Indonesians are exposed to two conflicting value systems. On the one hand, global norms that tolerate or even promote gambling as legal entertainment. On the other hand, national legal norms that strictly prohibit it. In legal psychology, this creates a phenomenon of “cognitive dissonance”, where individuals feel that national legal values are no longer in line with the digital reality they experience (Desi et al., 2025). If this continues, there will be a reinternalization of norms, which is a change in people's perception that online gambling is no longer morally or legally “wrong” - especially among the younger generation who are closer to technology.

As exposure to online gambling becomes more frequent and access becomes easier (through VPNs, social media, or foreign influencer advertisements), a process of normalization of “deviant behaviour” occurs. In social psychology theory, this is referred to as social learning theory, where individuals imitate behaviours that they see being done frequently without real consequences (Hidayat et al., 2024). As a result, online gambling is no longer considered a violation of law or morals, but rather a normal activity. If there are no strong social sanctions, then lawlessness turns into a culture of tolerance for violations, and eventually a deviant culture is formed. If it is examined based on violation to the family itself, particularly violence against children, it is classified as a serious violation of human rights that is expressly regulated in the Law Number 35 of 2014 on Child Protection as an amendment to Law Number 23 of 2002. This law defines violence against children as any act that causes suffering physically, psychologically, sexually, or in the form of neglect. Article 76C states that every person is prohibited from committing or allowing violence against children. Violation of this provision is regulated in Article 80, where the perpetrator can be subject to a criminal sentence of up to 3 years and 6 months in prison, or more severe if the violence causes serious injury or death. Thus, violence against children in the family is not only against the law, but also violates moral principles and parental responsibility for the full and balanced growth and development of children. This law emphasizes that child protection is a shared responsibility between the family, community and the state.

Based on clinical perspective in legal psychology, online gambling can create a psychological dependency similar to substance addiction, known as behavioral addiction. Studies show that the activity of gambling triggers the release of dopamine in the brain which provides a temporary sensation of euphoria, so individuals are compelled to keep repeating it ([Aprilia et al., 2023](#)). In a legal context, this poses an enforcement problem because offenders do not solely act out of malicious intent, but are driven by compulsive psychological conditions. In Law Number 36 of 2009 on Health, health is defined holistically, as a state of physical, mental, spiritual and social well-being, not just freedom from disease or disability. Online gambling addiction can be classified as a mental and behavioral disorder due to addiction, similar to drug or alcohol addiction. Although not explicitly mentioned in the law, this kind of addiction results in psychological and social dysfunction, such as severe stress, depression, impulse control disorders, and even acts of violence against oneself and others, including family. As a result, many online gambling offenders not only suffer economic losses, but also experience the breakdown of social and family functions, such as job loss, divorce, to depression and further criminal acts ([Lubis & Mardianto, 2024](#)).

Since the issues of internet gambling entail not only state restrictions in Indonesia but also potential intersections with international law, it is not possible to regulate the complexity of the impact of this activity solely in terms of domestic prohibitions ([French et al., 2021](#)). If examined based on Article 2 of ITE Law, Indonesia's jurisdiction in terms of online gambling has reached Indonesian citizens who conduct online gambling in other countries. Nevertheless, this coverage may not always be applicable to cross-border regulations, particularly with regard to nations that continue to permit internet gambling. Due to this possibility, internet gambling becomes a behaviour that is cultivated in society ([Shaw & Williams, 2023](#)).

This cultivated habit leads to divorce, not only in countries that ban online gambling. However, this is also true in countries that allow online gambling, such as Australia. Australia has a fairly clear legal approach in regulating online gambling, primarily through their primary legislation known as the Interactive Gambling Act (IGA) 2001 ([Aziz, 2024](#)). This regulation specifically aims at regulating online gambling activities with the main principle being the prohibition of most interactive gambling services that involve online casino games, such as roulette, poker, and online slots played using real money. However, on the other hand, Australian law provides certain exceptions by allowing some limited forms of online gambling, such as sports betting, horse racing, as well as legal lotteries organized by state governments. Despite allowing certain gambling activities, the Australian government strictly prohibits local operators from providing online casino services to its own citizens. In addition, foreign operators or overseas gambling sites that actively offer illegal services to Australians are explicitly banned and blocked by the Australian Communications and Media Authority (ACMA) ([Street & Vic, 2022](#)).

Australia's regulator is empowered to monitor and investigate suspected breaches and to impose stringent administrative penalties, which potentially reaching millions of Australian dollars, on companies or individuals who violate the rules. The Family Law Act 1975 (the Act) sets out how matrimonial property is to be apportioned on divorce, with courts weighing multiple factors when determining the division ([Ojelabi et al., 2020](#)).

Under section 75 of the Act, courts may factor in substantial gambling losses when assessing each party's financial contributions ([Li, 2023](#)). Where, for example, one spouse has incurred significant gambling losses, the court may "add back" the lost amount to the pool of assets to be divided or otherwise adjust the asset calculations to reflect those losses ([Moreau et al., 2020](#)). Such dissipation can influence not only the allocation of property but also the parties' capacity to meet their future financial needs; a spouse who has lost considerable sums through gambling may be less able to support themselves and any children post-separation ([Cooney et al., 2021](#)). Issues of gambling-related wastage have surfaced repeatedly in Australian family law jurisprudence ([Payne et al., 2022](#)). Here are some examples of instances where gambling wastage has been cited in a case:

1. De Angelis and De Angelis 2003

In one example, the woman had lost \$154,000 in gambling during her 33-year marriage to her husband. The lost amount would be factored into the settlement through a court judgement ([Gomez et al., 2023](#)). Therefore, the woman is required to give her husband \$42,000 ([Auer & Griffiths, 2022](#)). The wife may have been gambling because of her condition or as a kind of pleasure, but the court found that the amount of money she lost was substantial in comparison to the total value of their assets, which was around \$530,000.

2. Crampton and Crampton 2006

The wife in this instance lost \$140,000 in gambling over the course of a year, but it had no bearing on the portion of property she was entitled to in the divorce settlement. This was due to her diagnosis of dysthymic disorder, a mental illness that contributed to her gambling ([Bahri et al., 2024](#)). Given her physical state, the spouse was unable to demonstrate that her gambling was negligent or reckless. It's crucial to get legal counsel if your spouse has a history of gambling losses since every situation is unique.

3. Hamilton and Thomas 2008

In one instance, the wife wagered \$100 per week between 1999 and 2003, incurring losses totaling \$20,800. The sum was deemed insignificant by the court to have an impact on the couple's property settlement, nevertheless. In the eyes of the court, the losses from gambling paled in comparison to the lifestyle and contributions that both parties had made ([Karaibrahimoglu et al., 2022](#)). Before making any changes, they

need to observe a higher amount of waste in comparison to each party's constructive contributions. In this instance, the couple's assets totaled \$820,000.

Regarding case studies from nations where it is legal, it is evident that the relationship between online gambling and divorce is the result of the activity's indirect effects, which cause the family's finances to suffer greatly as a result of the substantial losses that the game itself causes. In reality, it is undeniable that real criminal activities are also influenced by online gambling due to the indirect effects of this activity, which range from financial ruin to familial breakdown ([Rockloff et al., 2021](#)).

In Indonesia itself, it has regulated the criminal sanctions for gambling offenders. The prohibition of gambling is regulated in Article 303 bis paragraph (1) of the Criminal Code and for online gambling itself is regulated in Article 27 paragraph (2) of the ITE Law jo. Article 45 paragraph (2) of Law 19/2016. Although there is already a ban on online gambling, this does not eliminate online gambling in the culture of society ([Catania & Griffiths, 2021](#)). One of the things affected is divorce. The following are some cases in Indonesia where divorce occurred as a result of the indirect impact of online gambling:

1. Mojokerto Religious Court Decision Number 2161/Pdrt.G/2021/PA.Mr

The marriage between the plaintiff and the respondent started in 2016 and was going well, but in 2019 the marriage started to falter and there was a dispute between the plaintiff and the respondent because the respondent gambled and often drank alcohol until he got drunk, this caused the respondent to have a lot of debt but the plaintiff (wife) did not know about it, so the alimony provided by the plaintiff was not sufficient for the daily life of his family. The plaintiff felt unable to continue her marital relationship with the respondent. Therefore, the plaintiff concluded that one of the best solutions to this problem was to file for a divorce to the Religious Court.

2. Tanjung Karang Religious Court Decision Number 1916/Pdt.G/2022/PA.Tnk

Initially, the household of the Plaintiff and the Defendant was harmonious, but since July 2013, the household of the Plaintiff and the Defendant began to fall apart. Due to the Defendant's negligence in providing for basic needs, there were many disagreements and conflicts, even though it was the Plaintiff who was doing most of the providing. The Defendant often played online gambling and the Defendant often went into debt without the knowledge of the Plaintiff. The peak of the disputes and arguments between the Plaintiff and the Defendant occurred in February 2022 which eventually resulted in the Plaintiff and the Defendant separating from their residence. Based on this information, the Plaintiff was no longer able to cope with the Defendant's attitude and behavior, so the Plaintiff concluded that it was no longer possible to maintain a household with the Defendant and it was better to divorce.

Those cases shows that there are already indications related to online gambling being the cause of divorce even though it is not stated that online gambling is the main cause considering that the evidence is very difficult to explain that online gambling is the direct cause of divorce. The main root of the problem of eradicating online gambling also does not occur without cause. There are several things that are the main reasons online gambling is still rampant and cultivated in society, this is directly shown from the weaknesses of existing regulations. The following are some of the weaknesses that still cause online gambling to occur:

1. Online gambling still involves foreign digital platforms

The main weakness is the lack of law enforcement against foreign digital platforms and the financial ecosystem that supports online gambling transactions. Reactive enforcement has not touched the aspects of financial technology (fintech), cellular operators, and banking institutions used for the flow of funds. In fact, Indonesian criminal law which is the ultimum remedium emphasizes the importance of the deterrent effect ([Kesuma, 2023](#)). Without targeting the big actors and their supporting systems, law enforcement only touches the surface.

Another problem is the weak coordination between state institutions such as Ministry of Communication and Digital, Financial Transaction Reporting and Analysis Center, Indonesian National Police, Financial Services Authority, and Bank Indonesia ([Adlina, 2025](#)). Handling that runs independently causes the absence of a strong national system to break the chain of online gambling. The community has not been fully involved in monitoring and reporting, due to low digital literacy and lack of legal education space ([Handayani et al., 2025](#)). Concrete examples can be seen from a number of recent cases. In November 2024, Lumajang Police successfully uncovered online gambling activities and secured 11 suspects. Interestingly, the perpetrators run the practice through an application that can be downloaded directly from the Play Store, which is not suspicious at first glance, but hides a digital gambling system inside ([Polri, 2024](#)).

Not only that, in early May 2025, the Financial Transaction Reports and Analysis Center revealed shocking data: they froze 5,000 bank accounts affiliated with online gambling transactions, with a total value of IDR 600 billion ([PPATK, n.d.](#)). This number does not include accounts spread outside the national banking network and in the e-wallet-based digital financial system.

2. The difficulty of proving online gambling due to the volatile nature of electronic evidence

The eradication of online gambling in Indonesia faces complex challenges, especially in legal aspects related to the volatile nature of electronic evidence or easily deleted, changed, and spread transnationally. Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), which has been updated through Law Number 19 of 2016, provides a legal basis for ensnaring

online gambling offenders. Article 27 paragraph (2) of the ITE Law states that: "Every person who intentionally and without right distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents that have gambling content" can be punished. However, the implementation of this article is often hampered because electronic evidence, such as transaction logs and account data, is often stored abroad or deleted before it can be secured by law enforcement officials. The problem is further complicated by the fact that the collection and verification of electronic evidence does not yet have an established standard procedure (Olber, 2021). In fact, Article 5 paragraphs (1) and (2) of the ITE Law state that electronic information and/or electronic documents are valid legal evidence, but their use as evidence must meet strict digital forensic provisions.

In practice, many authorities do not have sufficient expertise or resources to secure and analyze such evidence according to legal standards (Adlina, 2025). In addition to the ITE Law, the act of online gambling can also be charged through the Criminal Code (KUHP). Article 303 of the Criminal Code regulates the prohibition of gambling and provides for imprisonment of up to 10 years or a fine of up to Rp25 million. However, this article is primarily aimed at conventional gambling, so its application to online gambling sometimes requires additional legal interpretation. In cases involving the flow of money from gambling, authorities can use Law Number 8/2010 on the Prevention and Eradication of Money Laundering (TPPU). Article 2 paragraph (1) letter q of this law states that the crime of gambling is included as a criminal offense of origin in money laundering. This means that profits from online gambling can be frozen and confiscated if proven to be the proceeds of crime. However, the process of tracking this flow of funds also faces major obstacles because perpetrators often use fake identities, third-party accounts, and cross-border digital wallets (Saputra et al., 2025). On the other hand, the blocking of online gambling sites by Ministry of Communication and Digital is an administrative step that refers to the Regulation of the Minister of Ministry of Communication and Digital Number 5 of 2020 concerning the Implementation of Private Electronic Systems. However, gambling sites regenerate very quickly with new domains, so the effectiveness of this blocking is still limited (Kusumaningsih & Suhardi, 2023). Without legal action against the main actors behind these sites, blocking is only temporary.

3. Lack of extradition expansion in law enforcement

Law enforcement against transnational online gambling offenders in Indonesia faces serious obstacles, one of which is the difficulty in the extradition process. Many online gambling perpetrators or operators operate from abroad (Andri et al., 2023) and when Indonesian law officials want to take legal action, they are hampered by the fact that extradition can only be carried out if there is a bilateral or multilateral agreement between Indonesia and the country where the perpetrator is located. This is regulated in Law Number 1 Year 1979 on Extradition, specifically Article 2 paragraph (1) which states that extradition is



only valid based on international treaties. In addition, Article 4 requires the principle of double criminality, namely that the act for which extradition is requested must be considered a criminal offense by both Indonesia and the requested country. The problem arises because not all countries consider online gambling as a criminal offense, some even legalize it ([Rahayu & Nurhilmiyah, 2025](#)), so extradition requests from Indonesia are often rejected or not responded to.

In addition, Indonesia also relies on Law Number 1 of 2006 on Mutual legal Assistance in Criminal Matters to conduct cross-border investigations. This law, particularly Article 9 and Article 30, states that requests for legal assistance can include asset tracing, searches, and seizures, but can be rejected if the conduct does not constitute a criminal offense in the requested country. The Mutual legal Assistance process also tends to be complicated, takes a long time, and is highly dependent on political will and diplomatic relations between countries.

Cross-border online gambling not only challenges Indonesian legal jurisdiction, but also reshapes societal behavior. Jurisdictional gaps and cultural tolerance of gambling at the global level create a process of behavioral normalization. When users see gambling practices accepted abroad but prohibited domestically, they experience cognitive dissonance that weakens compliance. This dissonance encourages addiction and reinforces the perception that online gambling is socially acceptable, thereby amplifying indirect impacts such as debt, domestic conflict, and divorce.

International comparisons reveal deeper patterns. Countries with licensed regimes, such as the United Kingdom or Australia, place gambling within a regulated consumer framework, while regimes that impose total bans, such as Indonesia and Russia, criminalize all forms of gambling. This thematic contrast results in different behavioral impacts within permissive systems. This causes players to migrate to underground or cross-border platforms, which increases unregulated risks. This comparison shows that Indonesia cannot tackle online gambling solely through a repressive prohibition approach without addressing the behavioral factors that drive it.

Legal inconsistencies exacerbate the impact of such behavior. Although Article 2 of the ITE Law provides broad jurisdiction, law enforcement often fails due to limitations in mutual legal assistance agreements, weak extradition channels, and the non-recognition of digital evidence abroad. The assumption of "universal jurisdiction" is misleading, as international cooperation remains dependent on the principle of dual criminality and political will. As long as many countries continue to treat online gambling as legal entertainment, Indonesia's efforts will remain fragmented and largely symbolic.

Thus, the cross-border dimension of online gambling indirectly influences public behavior not only through the normalization of gambling practices, but also by

undermining the credibility of national laws. To mitigate this, Indonesia needs to bridge legal inconsistencies, expand international cooperation, and integrate behavioral interventions such as rehabilitation and financial literacy with stronger law enforcement. Only by aligning legal doctrine, international practices, and behavioral understanding can Indonesia effectively curb the erosion of family resilience caused by online gambling.

Reconstruction of Online Gambling as the Cause of Divorce Marriage

Judging from the legal factor itself or the rule of law, online gambling has weaknesses in its enforcement ([Durand et al., 2021](#)). In terms of normative as preventive aspects, there are still various legal vacuum whether in both Criminal Code and the ITE Law and its amendments ([Kathirvelu & Rahman, 2024](#)). Firstly, related to the usage of digital platform as the finance business. Indonesia needs a comprehensive Digital Gambling Prevention Bill that is based on cross-sector collaboration. The law should incorporate technology-based surveillance systems like AI and machine learning to detect online gambling activities. Inter-agency cooperation between Financial Transaction Reporting and Analysis Center, Indonesian National Police, Financial Services Authority, Ministry of Communication and Digital, and financial institutions is crucial for an efficient task force, while legal action is also necessary against banks and fintechs for facilitating online gambling practices, with potential administrative sanctions or corporate crime threats. These reforms must also be accompanied by increased digital literacy and public education to reduce demand for online gambling services and increase public awareness of the risks. Through comprehensive approach involving legal, technological, institutional and educational aspects the government can strengthen the resilience of the national financial system from the threat of illegal activities such as online gambling.

Second, related to the volatile nature of electronic evidence. The legal reform mechanism in addressing the volatile nature of online gambling, especially regarding electronic evidence, must be carried out with an adaptive, responsive, and digital forensic technology-based approach. The dynamic nature of online gambling-with mobile servers, the use of anonymous accounts, and electronic transactions that can be immediately deleted or disguised-requires legal updates that are not only normative, but also technical and procedural ([Saputra et al., 2025](#)). First, laws such as the ITE Law, Money Laundering Law, and Digital Evidence Law need to be revised to give stronger legal status to electronic evidence, including digital activity logs, metadata, virtual account transactions, and digital forensic data. Electronic evidence should be considered equivalent to other legal evidence ([Mahiratna et al., 2022](#)), and the procedures for obtaining it should be explained in detail in the procedural law so that it can be used legally in court. Second, it is necessary to establish a mechanism for electronic data preservation (data preservation orders) that can be issued by investigators or courts to order digital service providers (banks, fintechs, ISPs, etc.) to store data and user activity logs for a certain period of time before the data is deleted or modified. This is very important considering that a lot of digital evidence



is only available temporarily or ephemeral. Third, there should be national standards in digital forensics for the handling and examination of electronic evidence (Setiyawan & Rahmad, 2024). This includes procedures for seizing, recording, encryption, and methods for verifying the authenticity of digital evidence. Law enforcers need to be equipped with adequate capabilities and tools to investigate digital devices and networks used in online gambling activities.

Third, is related to the transnational aspects. It is necessary to expand extradition and Mutual legal Assistance cooperation with more countries, as well as encourage online gambling to be recognized as a transnational crime in international forums. This effort can be realized through two strategies. First, Indonesia must actively engage in legal diplomacy to establish bilateral and multilateral agreements that explicitly include online gambling crimes within the scope of extradition and mutual legal assistance. In this way, perpetrators operating across borders will no longer be able to take refuge in jurisdictional differences. Second, Indonesia needs to garner support in international forums such as Association of Southeast Asian Nations, International Criminal Police Organization, and the United Nations to promote the harmonization of norms that online gambling is a transnational crime that has multidimensional impacts, including economic, social, and family impacts.

One way to overcome the differences in principles in Mutual legal Assistance is to develop a more flexible agreement that adapts to the legal system of each country. For example, within the Mutual legal Assistance framework, countries that have more lenient regulations on online gambling can be asked to cooperate in terms of monitoring and eradicating illegal online gambling involving cross-border operators. Thus, even if the country does not fully prohibit online gambling, they can still play a role in preventing the circulation of harmful illegal gambling. This cooperation could focus on technical aspects such as blocking unregistered or unlicensed online gambling sites, as well as sharing information related to the flow of funds or transactions related to illegal gambling. Indonesia could focus Mutual legal Assistance on joint efforts in combating illegal activities without imposing overly strict policies on countries that have more flexible regulations.

Apart from the normative aspect, there are things that must be considered as repressive efforts through the social aspects. The phenomenon of divorce caused by online gambling is not only a legal issue, but also a deep social and psychological issue. Online gambling damages the economic foundation of the family, creates distrust, and creates complex emotional conflicts. Therefore, sociological efforts through rehabilitative approaches, such as psychological counseling and financial literacy programs, are very important as long-term and sustainable solutions.

The rehabilitative approach has the main objective of restoring the mental, moral, and behavioral condition of individuals addicted to online gambling so that they can return to their normal social and family roles. Psychological counseling is needed to

help individuals understand the emotional impact, process guilt, manage stress, and improve communication with partners. Meanwhile, the financial literacy program is designed to equip individuals or families with knowledge and skills in managing household finances, recognizing financial risks, and building awareness of the importance of healthy family economic planning ([Ghelfi et al., 2023](#)).

From a legal aspect, currently the handling of online gambling offenders predominantly prioritizes a repressive approach (imprisonment and fines), so that the rehabilitative approach is still not comprehensively accommodated. In order for rehabilitation to run optimally, regulations that can be amended or strengthened include Law Number 35 of 2009 concerning Narcotics, which in several articles allows rehabilitation for drug users. A similar concept can be applied in the context of online gambling through the revision of the Criminal Code and ITE Law, by adding a special article or clause that regulates social rehabilitation for offenders who are proven to have severe addiction. In addition, Supreme Court Regulations (Perma) or Government Regulations can be issued to clarify the technical implementation of rehabilitation, for example giving judges the option to decide on social or psychological rehabilitation as a form of additional or alternative punishment, especially in divorce cases triggered by online gambling ([Suomi et al., 2023](#)).

In terms of mechanism, the implementation of rehabilitative programs must involve various related institutions. Among them:

1. Ministry of Social Affairs (MoSA), as the institution responsible for social rehabilitation and family empowerment programs.
2. The Ministry of Women's Empowerment and Child Protection (KPPPA), to protect the rights of wives and children who are victims of the impact of online gambling.
3. Ministry of Health (MoH), to support psychological counseling and mental health therapy programs.
4. The National Narcotics Agency (BNN), to work with as it has experience and infrastructure in implementing rehabilitation, which can be adapted for online gambling addiction cases.
5. Witness and Victim Protection Agency (LPSK), to ensure legal and psychological protection for affected spouses or children.
6. Judicial institutions (Religious Courts and District Courts), have a role in deciding rehabilitative efforts as part of divorce verdicts or as one of the conditions for repairing relationships before divorce is granted.
7. Financial Services Authority (OJK) and Bank Indonesia (BI), to support financial literacy and supervise the distribution of relevant funds in the rehabilitation program ([Malik et al., 2024](#)).

With the synergy of these various institutions, the rehabilitative approach is not only a formal legal solution, but also a comprehensive social solution. Through legal reform (amendment of laws, issuance of Perma or PP), the rehabilitative approach can be accommodated as a form of restorative justice, where the focus is not only on



punishing the perpetrator, but also on restoring the psychological and social conditions of the family.

Thus, the application of counseling and financial literacy within the legal framework will strengthen efforts to prevent divorce due to online gambling. The state is not only present as a coercive controller, but also as a facilitator of family recovery. This is in line with the principles of substantive justice and social protection mandated by the constitution and various laws and regulations in Indonesia.

Conclusion

Cross-border online gambling has evolved into a structural challenge that consistently outruns Indonesia's current legal architecture. Operators based in permissive jurisdictions exploit doctrinal silos between the ITE Law/KUHP and the Marriage Law, producing two compounded deficits: first, weak cross-border enforceability amid offshore servers, volatile digital evidence, virtual chips, and crypto-denominated flows; second, insufficient recognition of the downstream family harms, including asset dissipation, coercive financial control, and heightened risks of separation and divorce. The result is a persistent mismatch between contemporary gambling modalities and legacy legal tools.

This article has argued for an integrated doctrinal model that aligns criminal law, family law, and cross-border cooperation. On the criminal/ITE side, Indonesia needs explicit offences for organizing and facilitating online gambling, corporate liability for enabling platforms and payment rails, and statutory data-preservation and admissibility rules for logs and metadata linked to robust anti-money-laundering pathways. In family law, courts should treat gambling-related asset dissipation as a cognizable factor in division and maintenance, and be empowered to order rehabilitation and financial-literacy programs alongside protective measures for spouses and children. Internationally, more capacious Mutual legal Assistance and extradition arrangements, paired with rapid evidence sharing and asset-freezing cooperation even where dual criminality is contested, are essential; technical site-blocking and regulator-to-regulator information channels should be institutionalized rather than episodic.

Punitive responses alone will not restore family stability. Embedding rehabilitative pathways (psychological counselling, debt management, and structured financial education) within judicial and administrative practice can reduce recidivism and mitigate harm, especially where gambling behaviour intersects with mental-health stressors. Equally, coordinated operations among Ministry of Communication and Digital, Indonesian National Police, Financial Transaction Reporting and Analysis Center, Financial Services Authority, Bank Indonesia, and the Attorney General's Office must replace siloed initiatives through interoperable data systems, joint digital-forensics capability, and clear leadership for rapid, real-time action.

Ultimately, success should be measured not only by domain takedowns but by demonstrable reductions in divorce-linked gambling cases, improved recovery of illicit proceeds, and faster cross-border evidence turnaround. By updating doctrine and procedure in tandem, and by pairing enforcement with family-centred remedies, Indonesia can shift from reactive crackdowns to a coherent, rights-protective strategy that safeguards both the rule of law and the integrity of the family.

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Declarations

Author contribution : Author 1 and 2: conduct the research ideas, instrument construction, data collection, analysis, and draft writing. Authors 3 and 4: conduct the research ideas, literature review, data presentation and analysis, and the final draft. Authors 5 and 6: revised the research ideas, literature review, data presentation and analysis, and the final draft.

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