Legal and Social Implications of Illegal Lottery Schemes: A Study of Rokan Hilir District Court Decision Number 257/Pid.B/2023/PN Rhl

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ABSTRACT

This study analyzes Decision Number 257/Pid.B/2023/PN Rhl as a case study to unveil the law enforcement paradox regarding illegal lottery schemes. This case employed a hybrid modus operandi combining conventional methods and electronic means. This research employs a normative-empirical juridical method, drawing on statutory, conceptual, and case study approaches. The objective is to dissect the inconsistency in the application of legal instruments and the sociological impact of the verdict. The findings reveal that the Public Prosecutor and the Panel of Judges tended to be pragmatic by applying Article 303 section (1) point 1 of the Penal Code. They disregarded the fact of electronic means usage, which should have been subject to the principle of lex specialis derogat legi generali under Law Number 11 of 2008. This reduces the potential for the impoverishment of perpetrators through maximum fines. Furthermore, the 8 (eight) month prison sentence without a fine against a Defendant who made gambling his livelihood proved ineffective as a deterrent. Such punishment did not address the perpetrator's root economic motives. Sociologically, this decision reflects structural inequality in law enforcement, with a sharp downward bias against small retailers and a blunt upward bias against major bookies. This condition implies the normalization of gambling as a community economic alternative. This study recommends integrating a more progressive criminal policy, utilizing digital forensics, and revitalizing customary law to comprehensively eradicate the gambling ecosystem.

Keywords: Deterrent Effect; Digital Era; Illegal Lottery Schemes; Lex specialis; Social Implications.

INTRODUCTION

Gambling is a social pathology that has undergone a complex evolution alongside advancements in information technology. This practice has evolved from conventional methods to a hybrid approach that uses digital platforms. This phenomenon not only creates novel challenges for law enforcement agencies but also has serious implications for society's social and economic order. As noted by Permana et al. (2024), public policy aimed at combating online gambling in Indonesia faces significant structural constraints, primarily due to the cross-border and adaptive nature of this crime. Empirical reality demonstrates that despite the availability of legal instruments, gambling practices—particularly illegal lottery schemes (*Togel*)—continue to proliferate. These practices have evolved by leveraging electronic means such as instant messaging applications and websites (Sihombing et al., 2024). This situation is exacerbated by the findings of Rofiq and Labolo (2023), indicating that police handling of gambling practices is frequently hindered by technical evidentiary obstacles and a permissive cultural attitude within society. In this context, gambling is no longer merely a normative violation; it has become an integral part of underground economic dynamics involving significant capital turnover that is detrimental to the state.

Normatively, Indonesia has two primary legal regimes to prosecute gambling offenders: first, the Penal Code juncto Law Number 7 of 1974 for conventional gambling; and second, Law Number 11 of 2008 regarding Electronic Information and

Transactions for gambling facilitated by electronic means. However, there is a distinct gap between the normative ideal (*das sollen*) and the reality of law enforcement (*das sein*). Pinasti and Puspitosari (2023) and Arum and Sumardiana (2025) critically highlight the frequent misapplication of statutory provisions. Investigators and Public Prosecutors tend to employ Article 303 section (1) point 1 of the Penal Code, which is more general and carries lighter penalties, rather than applying Article 45 section (2) of Law Number 19 of 2016. The latter Law carries significantly heavier and more specific financial penalties. This phenomenon is corroborated by the analyses of Handrio and Widowaty (2022) and Myranikam and Mail (2023), who found that judicial reasoning is often confined to mere formalities of physical evidence. Consequently, the aspect of digital forensics, which is essential in proving cybercrimes, is neglected. As a result, the principle of *lex specialis derogat legi generali* is frequently disregarded in favor of law enforcement pragmatism.

Furthermore, the complexity of contemporary gambling crimes lies not only in the legal instruments but also in the criminal structure, which involves a hierarchy of perpetrators and modi operandi resembling investment fraud (Opit & Frans, 2025). Kamalludin et al. (2023) identified that online gambling modes often camouflage themselves as fraudulent investments, entrapping victims with promises of irrational profits. Meanwhile, Elizabeth and Widjajanti (2024) and Simamora et al. (2025) emphasize the importance of analyzing participation (*deelneming*) to distinguish criminal liability between major bookies, collecting agents, and players or small-scale retailers. Disparities in law enforcement are prevalent; field operatives or small retailers—often from weak economic backgrounds—become the primary targets of arrest, whereas major bookies remain untouchable by the law. Anwar and Ihsana (2022) and Kudadiri et al. (2023) add that criminal liability in such cases is often disproportionate, with sentences failing to address the root of the criminal syndication.

From sociological and philosophical perspectives, the prevalence of gambling cannot be separated from economic pressures and social construction. Suhendra and Rochmani (2023) and Sinulingga and Maryani (2025) assert that economic factors and the low quality of human resources are the primary triggers for individuals treating gambling as a livelihood. This creates a dilemma in imposing fines. On one hand, Oktapia et al. (2025) found that judges often consider the defendant's socio-economic background as a mitigating factor. On the other hand, Pradewi et al. (2021) argue that excessively lenient criminal sanctions fail to deter and are unable to sever the chain of gambling activities. Harahap (2025) even proposes the need to implement heavier, more integrative sanctions to address the failure of the current penal system. Additionally, Azzuhri (2025) argues that gambling regulation in Indonesia is also influenced by the interaction among state law, customary law, and religious law, which should serve as a moral foundation to reinforce the prohibition of gambling.

Based on the literature mapping above, there is an urgent need to examine how the law operates in concrete cases that combine conventional methods with electronic means yet are adjudicated under a conventional approach. This research adopts a case study of Rokan Hilir District Court Decision Number 257/Pid.B/2023/PN Rhl. The novelty of this study lies in its critical analysis of the paradox of law enforcement: a Defendant proven to have used electronic means (WhatsApp) for illegal lottery transactions was charged and convicted under Article 303 section (1) point 1 of the Penal Code, rather than Article 45 section (2) of Law Number 19 of 2016. Furthermore, this study fills a gap in the literature by connecting this sentencing disparity with social implications, specifically the normalization of gambling as a "livelihood" within the community. This aspect has not been explored holistically in previous studies, which have tended to be partial (focusing solely on normative or criminological aspects).

This study aims to: (1) Analyze the implications of applying the "livelihood" element in Article 303 section (1) point 1 of the Penal Code on the effectiveness of the deterrent effect for lower-class gambling offenders in Decision Number 257/ Pid.B/2023/PN Rhl; and (2) Analyze the implications of socio-economic realities and law enforcement inequality on the existence of illegal lottery networks in the Rokan Hilir community. Through this analysis, the research is expected to make a scientific contribution by providing a critical evaluation of law enforcement pragmatism in selecting indictment instruments, highlighting its impact on legal sociology, and offering recommendations for criminal policy reform that are more equitable and effective in eradicating gambling in the digital era.

METHOD

This study employs a normative-empirical juridical method, also known as socio-legal research. This method is selected to address problem complexities that extend beyond legal dogmatics into social realities (Qamar & Rezah, 2020). The normative approach is utilized to dissect the consistency of positive legal norms, specifically the conflict of norms between Article 303 of the Penal Code and Article 45 section (2) of Law Number 19 of 2016 regarding the prosecution of gambling offenders using electronic means. Meanwhile, the empirical approach is applied through a case study of Decision Number 257/Pid.B/2023/PN Rhl. The objective is to observe the law in action and the sociological implications of the verdict regarding gambling as a livelihood. This approach is fortified by the statute approach to examine the hierarchy and relevant legal principles. Additionally, the conceptual approach is employed to analyze criminal law doctrines such as the deterrent effect, *lex specialis*, and the theory of participation (*deelneming*). These doctrines serve as the primary analytical tools in this research. The synergy between these two methods is crucial for producing a comprehensive analysis that does not stop at the statutory text but penetrates the social context of its application.

The data sources consist of secondary data encompassing primary, secondary, and tertiary legal materials. Primary legal materials include Decision Number 257/Pid.B/2023/PN Rhl as the main object of study, the Penal Code, Law Number 7 of 1974, and Law Number 11 of 2008. Secondary legal materials are derived from strictly curated articles in reputable national and international scientific journals. These articles cover topics on legal dogmatics, criminology, legal sociology, and public policy related to gambling. Tertiary legal materials, such as the Kamus Besar Bahasa Indonesia (KBBI) and legal dictionaries, are used to clarify technical definitions. Data collection techniques involve systematic library research. This process includes the inventory, classification, and synthesis of legal documents and literature relevant to the research problem (Sampara & Husen, 2016). Data validity is maintained through source triangulation, which involves comparing the legal facts in the court decision with theories proposed in the reference literature to ensure interpretative accuracy.

Data analysis is conducted qualitatively and prescriptively using deductive logic (Irwansyah, 2020). The analysis process commences by outlining the legal facts (minor premise) found in Decision Number 257/Pid.B/2023/PN Rhl. These facts are then juxtaposed with relevant positive legal norms and legal theories (major premise). In this context, legal interpretation techniques, particularly systematic and teleological interpretations, are employed to dissect the Judges' reasoning in passing the verdict. A critical analysis is subsequently constructed using the deterrent effect theory to evaluate the effectiveness of criminal fines. Furthermore, legal sociology theory is used to assess the impact of the decision on the social structure of the Rokan Hilir community. The results of this analysis are synthesized to produce robust legal argumentation. This argumentation aims to address the research objectives regarding the legal and social implications of Decision Number 257/Pid.B/2023/PN Rhl and to formulate constructive legal policy recommendations for future criminal law reform. The coherence of the entire analytical process is strictly maintained to ensure the line of argumentation flows logically from the introduction to the conclusion, contributing significantly to the development of legal science.

RESULTS AND DISCUSSION

A. Anatomy of the Crime and Legal Facts in Decision Number 257/Pid.B/2023/PN Rhl

Based on the examination of facts by the *judex facti* at the Rokan Hilir District Court, the anatomy of the crime in Decision Number 257/Pid.B/2023/PN Rhl commenced with the arrest of the Defendant, Daniel Sianturi alias Dandi. The arrest took place on March 25, 2023, at a stall on Jalan Lancang Kuning, Bagan Sinembah. In the indictment, the Public Prosecutor constructed the Defendant's actions using an alternative indictment. However, the evidentiary process focused

on Article 303 section (1) point 1 of the Penal Code juncto Article 2 section (1) of Law Number 7 of 1974. Trial facts revealed that the Defendant consciously made gambling activities—specifically illegal lottery schemes (*Togel*)—his primary livelihood to meet daily needs. Although the normative criminal threat in Article 303 section (1) point 1 of the Penal Code allows for a maximum sentence of 10 years imprisonment or a fine of IDR 25 million, the Panel of Judges rendered a different decision. In the verdict, the Judges imposed a prison sentence of 8 (eight) months, with the detention period deducted, without imposing a criminal fine. This striking disparity between the maximum statutory threat and the actual verdict serves as the starting point for a critical analysis of the deterrent effect of law enforcement against gambling at the grassroots level.

From a modus operandi perspective, the crime committed by the Defendant exhibited hybrid characteristics. These characteristics combined conventional methods with the utilization of information technology. As revealed by witness testimony and evidence presented in court, the Defendant served buyers of *Togel* numbers (Singapore, Hong Kong, and Sydney markets) by manually recording orders on recapitulation coupons. However, the essence of the transaction relied heavily on electronic means. The Defendant used 1 (one) unit of an Oppo A54 mobile phone to transmit the recapitulation of the betting numbers and proof of betting fund transfers. The transmission was conducted via the instant messaging application, WhatsApp, to a Bookie named Saragih. Furthermore, the Defendant also accessed internet sites to monitor the winning numbers to announce them to the bettors. These legal facts implicitly confirm that, although the initial transaction occurred face-to-face (offline), the Defendant's gambling ecosystem was fully integrated with a digital network (online). This finding aligns with the observation of Sinulingga and Maryani (2025), who noted that modern gambling modi operandi often blur the boundaries between physical and digital facilities. This fact should have been a primary consideration in selecting the indictment instrument.

The role structure within this gambling syndicate placed the Defendant in a subordinate position within the hierarchy of participation (*deelneming*). Based on the Defendant's confession in court, he acted merely as a "writer" or retailer. He received a commission of 25% from the total daily sales turnover. Meanwhile, all betting money was deposited into Saragih, who acted as the Field Coordinator or Bookie. Tragically, the legal record shows that Saragih remained on the Fugitive Search List (DPO) at the time the verdict was read. This inequality creates a paradox of justice. The field actor with a subsistence economic motive ("to eat") was successfully prosecuted and imprisoned. Conversely, the intellectual actor controlling the capital turnover and the network remained untouchable by

the law. This confirms the thesis of Elizabeth and Widjajanti (2024) regarding the complexity of criminal liability in gambling networks. The law is often sharp downwards against passive participants, yet blunt upwards against the primary controllers of the operation.

In their legal reasoning (*ratio decidendi*), the Panel of Judges stated that the elements of "without right," "intentionally offering opportunity," and "making it a livelihood" had been legally and convincingly proven. The Judges opined that no grounds for justification or excuse were found that could eliminate the unlawful nature of the Defendant's actions. However, in imposing sanctions, the Judges employed an approach that tended to be retributive-educative. The Judges considered mitigating factors, such as the Defendant's polite behavior, admission of guilt, and lack of prior convictions. Following the pattern identified by Oktapia et al. (2025) in studies of similar decisions, judges tend to grant leniency based on the subjective behavior of the Defendant in court. Judges focus less on the destructive impact of gambling on the social order. Consequently, the 8-month prison sentence imposed appears disproportionate to the Defendant's role in facilitating a "social pathology" that disturbs society. This verdict fails to address the deterrent effect, the primary objective of punishment under Law Number 7 of 1974.

B. Law Enforcement Pragmatism: The Conflict of Norms between the Penal Code and Law Number 11 of 2008

In the realm of criminal law dogmatics, law enforcement against gambling crimes utilizing information technology means should strictly adhere to the principle of *lex specialis derogat legi generali*. However, an analysis of the indictment and the verdict in Decision Number 257/Pid.B/2023/PN Rhl reveals a conspicuous juridical anomaly. The Public Prosecutor indicted the Defendant under Article 303 section (1) point 1 of the Penal Code juncto Article 2 section (1) of Law Number 7 of 1974. Whereas, legal facts in court unequivocally proved that the Defendant utilized electronic devices (an Oppo A54 smartphone) and the WhatsApp application. These devices were employed as the primary instruments of the crime (*instrumentum sceleris*) to transmit gambling data. Referring to Article 27 section (2) juncto Article 45 section (2) of Law Number 19 of 2016, any person who knowingly and without authority distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of IDR 1 Billion.

The Public Prosecutor's choice to employ Article 303 section (1) point 1 of the Penal Code instead of Article 45 section (2) of Law Number 19 of 2016 indicates the presence of pragmatism in law enforcement. This choice sacrifices

legal certainty and substantive justice. As criticized by Pinasti and Puspitosari (2023) and Arum and Sumardiana (2025), law enforcement officials frequently opt for the "path of least resistance." They utilize conventional articles because the evidentiary process is perceived as simpler and does not require complex digital forensic procedures. In the case of Defendant Daniel Sianturi, physical evidence in the form of cash, paper recapitulations, and the Defendant's confession was deemed sufficient to satisfy the elements of Article 303 section (1) point 1 of the Penal Code. In reality, the essence of the Defendant's action was the electronic transmission of gambling data, which is specifically regulated in Article 27 section (2) juncto Article 45 section (2) of Law Number 19 of 2016. The disregard for this Law not only violates the principle of legal specialization but also reduces the gravity of cybercrimes to mere conventional crimes (Oktana et al., 2023). In turn, this systematically undermines efforts to eradicate online gambling.

The weakness in selecting legal instruments directly impacts the disparity in criminal fine threats. This potentiality nullifies the maximum deterrent effect. Article 303 section (1) point 1 of the Penal Code juncto Article 2 section (1) of Law Number 7 of 1974 provides a maximum imprisonment threat of 10 years or a maximum fine of IDR 25 Million. This fine figure is negligible when compared to the fine threat in Article 45 section (2) of Law Number 19 of 2016, which reaches IDR 1 Billion. Myranikam and Mail (2023) and Simamora et al. (2025), in their comparative studies, assert that the application of Law Number 11 of 2008 should be a priority. The objective is to provide economic shock therapy for gambling network perpetrators, considering the massive money turnover within the online gambling ecosystem. By applying the Penal Code alone, the state loses the opportunity to impoverish perpetrators through heavy fines. The state also fails to send a firm message that it is serious about combating cybercrime.

Furthermore, this phenomenon reflects structural and cultural constraints within law enforcement agencies. Kudadiri et al. (2023) and Suhendra and Rochmani (2023) identify that limitations in competence in information technology and the lack of supporting digital forensic infrastructure are often used as justifications. Investigators tend to avoid using cyber articles due to these reasons. Handrio and Widowaty (2022) add that the difficulty in securing volatile electronic evidence leads investigators to rely more on conventional physical evidence. In the case of Decision Number 257/Pid.B/2023/PN Rhl, this pragmatism is clearly visible. Although a smartphone was seized, the indictment did not provide a detailed account of the transactions' digital footprint, as required by Law Number 11 of 2008. The indictment merely treated it as a supplementary tool.

The juridical implication of this "shortcut" is severe. A judicial decision based on an inexact indictment potentially creates erroneous jurisprudence.

Cybercrimes may continue to be adjudicated through an obsolete conventional legal lens. This not only impedes the development of cybercrime law in Indonesia but also creates a loophole for gambling syndicates to continue operating with calculated, low legal risks. Ideally, the Panel of Judges should have exercised judicial activism to explore the value of justice. Judges could have considered the fact of electronic means usage as a significant aggravating factor. Judges could even have ordered the Public Prosecutor to amend the indictment to align with the material facts of the case. The absence of this judicial correction further reinforces the allegation that our criminal justice system is still ill-equipped to respond to the transformation of crime in the digital era.

C. The Paradox of "Livelihood" and the Ineffectiveness of the Deterrent Effect

In their legal reasoning, the Panel of Judges explicitly acknowledged the fact that the Defendant utilized gambling activities as his primary livelihood to meet daily living necessities. This juridical acknowledgment should have ideally served as an aggravating factor in sentencing. The nature of the crime committed was not merely casual or recreational gambling, but rather an occupational crime committed systematically and repeatedly. However, a paradox emerged in the verdict. The Judges instead imposed a lenient sentence of 8 (eight) months imprisonment without an accompanying fine. This sentencing approach contradicts the deterrent effect theory, which is the spirit of Law Number 7 of 1974. As analyzed by Pradewi et al. (2021), criminal sanctions that are too lenient against professional gambling perpetrators fail to break the cycle of crime. The perpetrator's cost-benefit calculation still indicates that the economic benefits outweigh the risks of punishment.

The 8-month prison sentence for a "gambling worker" like Defendant Daniel Sianturi merely functions as temporary incapacitation. This punishment fails to address the economic root causes that form the perpetrator's mens rea. Harahap (2025), in his study on the reconstruction of gambling sanctions, emphasizes the importance of impoverishment instruments. Without heavy fines or asset forfeiture, short imprisonment is often perceived by perpetrators as merely an "occupational hazard" or an "operational cost." In the case of Decision Number 257/Pid.B/2023/PN Rhl, the Defendant received a 25% commission from the daily turnover. If accumulated, these illegal earnings might have been enjoyed and concealed prior to the arrest. By failing to impose a significant criminal fine—let alone subsidiary imprisonment which is typically only a matter of months—the state has failed to provide economic shock therapy. Ideally, such a measure would force the perpetrator to seek alternative, lawful livelihoods post-incarceration.

The failure of the deterrent effect is exacerbated by the absence of a comprehensive rehabilitative approach in the verdict. Suhendra and Rochmani (2023) highlight that economic factors and poor-quality human resources (HR) are the primary drivers of individuals becoming trapped in the gambling profession. The Defendant, who works only as a casual daily laborer, lacks adequate skills to compete in the formal labor market. A prison sentence unaccompanied by vocational training programs within the Correctional Institution will only return the Defendant to society with the stigma of being an ex-convict. His economic condition will likely remain the same or worsen. This condition creates a "revolving door" of recidivism. The Defendant has a high potential to return to being a gambling agent because it is the only survival skill he possesses, while his network (Bookie Saragih) remains operational.

When compared with the spirit of national criminal law reform, this decision feels "obsolete." Law Number 1 of 2023 has shifted the sentencing paradigm from retributive to rehabilitative and restorative. However, Article 426 section (1) letter a of this Law maintains a significantly heavier fine threat (Category VI/IDR 2 Billion) for gambling crimes. Meanwhile, the latest amendment to the *lex specialis* in Article 45 section (3) of Law Number 1 of 2024 is even more severe, reinstating a maximum imprisonment of 10 years and/or a maximum fine of IDR 10 billion. Anwar and Ihsana (2022), in their legal review of similar Pakong gambling, emphasize a similar point. The effectiveness of gambling countermeasures cannot rely solely on the duration of physical confinement. Countermeasures must be based on a combination of maximum criminal fines and network disruption. The Rokan Hilir District Court Decision, with all due respect, is trapped in the routine of imposing minimalist sentences. Subconsciously, this decision perpetuates the gambling ecosystem at the grassroots level, rather than eradicating it.

Philosophically, the Judge's consideration of mitigating the sentence, based on the "Defendant was polite" and "admitted his actions," is questionable. Courtroom behavior does not automatically erase the destructive impact of the Defendant's actions. He has facilitated dozens, or even hundreds, of other citizens in gambling. This permissive attitude sends an erroneous signal to the broader public that acting as a gambling agent is a "minor crime" that can be tolerated. Whereas, as argued by Oktapia et al. (2025), judicial consideration should focus more on the macro-social impact. This impact includes the degradation of societal attitudes towards quick wealth without work or instant gratification, facilitated by the Defendant. Consequently, this 8-month verdict can be categorized as a miscarriage of justice within the context of total efforts to eradicate social pathologies.

D. Social Implications: The Normalization of Gambling and Structural Inequality

Decision Number 257/Pid.B/2023/PN Rhl not only raises juridical issues but also confirms the existence of structural inequality in law enforcement against gambling syndicates. Trial facts demonstrate that Defendant Daniel Sianturi was merely a minor link in a larger gambling chain. He functioned as a retailer or "operative" receiving a 25% commission. Meanwhile, the primary actor named Saragih (the Bookie/Field Coordinator) remains on the Fugitive Search List (DPO) to this day. This phenomenon, viewed through the lens of the *deelneming* theory elucidated by Elizabeth and Widjajanti (2024), illustrates the Defendant's position as a participant (*medepleger*) who is intellectually passive yet legally most vulnerable. The arrest and conviction of the Defendant without successfully dragging the Bookie to court creates a negative public perception. Society views the law as being sharp downwards—punishing field operatives with subsistence economic motives—yet blunt upwards against the financiers who enjoy the largest profits from this illicit business.

This inequality is exacerbated by technical and jurisdictional constraints often cited as reasons for the difficulty in apprehending the masterminds. Permana et al. (2024) note that modern gambling bookies frequently use overseas servers or disconnected mobile devices to obscure digital footprints. Consequently, law enforcement agencies with limited resources tend to be "satisfied" with merely arresting retailers who are physically accessible. However, the social implications of this partial law enforcement pattern are severe. When the public witnesses that only "low-level actors" are imprisoned while the "bosses" remain free to operate, public trust in the integrity of the criminal justice system erodes. This can also perpetuate the cycle of crime. As long as the bookie remains free, he can easily recruit new retailers from economically disadvantaged groups to replace the Defendant currently serving his sentence.

Furthermore, a lenient sentence of 8 months imprisonment for an offender who makes gambling a livelihood has the potential to trigger the normalization of deviant behavior within society. Rofiq and Labolo (2023), in their sociological research, uncovered an intriguing fact: the arrest of retailers does not necessarily halt gambling activities in a region if the economic motive and market demand remain unresolved. This non-deterrent verdict may be interpreted by the community as a "tacit permission." Society may perceive that the risk of becoming a gambling agent is relatively low compared to the instant profits offered. In the long term, this solidifies the perception that gambling is a "legitimate" alternative livelihood amidst economic hardship. This is a symptom of social pathology that poses a serious threat to the work ethic and morality of the Rokan Hilir community.

This threat becomes increasingly tangible as gambling modes masquerading as investments evolve. Kamalludin et al. (2023) warn that a society accustomed to a gambling culture—where expectations of instant profit dominate rational business sense—is highly susceptible to investment fraud schemes. These schemes are now rampant online. Defendant Daniel Sianturi, who utilized a digital platform to deposit numbers, serves as a concrete example. Low digital literacy, combined with economic pressure, can be manipulated by cybercrime syndicates. If the law fails to provide stern education through proportional criminal fines, society will continue to be an object of exploitation for these constantly evolving crimes.

Concluding this analysis, Azzuhri (2025) argues that gambling countermeasures cannot rely solely on state law, which has proven limitations. Integration with norms living within society (living law), whether customary law or religious values, is required. This integration aims to build social defense. Court decisions should not merely serve as instruments of physical punishment. They must become a momentum to revitalize social control in the Rokan Hilir community to reject the normalization of gambling. Without synergy between the firmness of state law and the reinforcement of social sanctions, efforts to eradicate gambling will remain a formalistic law enforcement ritual devoid of substance.

CONCLUSIONS AND SUGGESTIONS

Decision Number 257/Pid.B/2023/PN Rhl illustrates a paradox in law enforcement regarding the eradication of gambling. The application of Article 303 section (1) point 1 of the Penal Code juncto Article 2 section (1) of Law Number 7 of 1974 to a crime proven to utilize electronic means (a mobile phone and the WhatsApp application) constitutes a disregard for the principle of *lex specialis derogat legi generali*. This disregard undermines legal certainty. The pragmatism of the Public Prosecutor and Judges in selecting a conventional evidentiary path instead of applying Law Number 11 of 2008 has reduced the gravity of cybercrime to a mere conventional crime. Consequently, this eliminates the state's potential to impose maximum fines, which are essential for impoverishing gambling syndicate perpetrators. The 8 (eight) months' prison sentence without a fine against a Defendant found to have made gambling his livelihood fails to fulfill the objectives of punishment. From both retributive and deterrent-effect perspectives, the sanction fails to address the perpetrator's economic root motives. It also fails to provide an adequate deterrent effect to break the cycle of recidivism. Sociologically, this decision reinforces structural inequalities in law enforcement. The law is sharp downwards against small retailers yet blunt upwards against major bookies who remain at large. This potentially normalizes the public perception that gambling is an economic alternative with tolerable risks.

Based on these findings, this study recommends a criminal policy reorientation that is more integrative and progressive in addressing gambling crimes in the digital era. Law enforcement agencies, particularly the Police and the Prosecutor's Office, are encouraged to enhance digital forensic competence. They must consistently apply Law Number 11 of 2008 to prosecute major bookies and impoverish gambling networks. Law enforcement must not merely pursue quantitative targets of arresting field perpetrators. For the Panel of Judges, it is advised to be bolder in exercising legal discovery (*rechtsvinding*) by imposing heavy cumulative fines in the spirit of Article 45 section (3) of Law Number 1 of 2024. The objective is to provide tangible economic shock therapy. Finally, local governments and community leaders need to revitalize the role of customary law and religious values as a bastion of social defense. The government also needs to provide real economic solutions for vulnerable communities so that gambling is no longer perceived as a reasonable economic safety valve. Synergy between state law firmness, digital evidentiary sophistication, and grassroots economic empowerment is the absolute key to fundamentally eradicating the gambling ecosystem.

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