

Eradicating Online Gambling in Indonesia: Reinforcing The Role of Digital Sovereignty and Content Moderation In Cyberspace

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Abstract

The existence of criminality such as online gambling in cyberspace is an inevitable fact. Online gambling contributes to poverty among Indonesians by financially destabilizing individuals who participate in it. This condition is seriously jeopardising Indonesia's digital sovereignty. The massiveness of



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online gambling in Indonesian cyberspace implies that digital sovereignty is very fragile and prone to be dominated by cyber actors who are against Indonesian law. Indonesia's legal framework provides the government clear authority to eradicate online gambling. The legal framework supporting the eradication of online gambling in Indonesia is rooted in multiple laws and regulations that prohibit gambling and enforce restrictions on online activities. To discuss and analyse these problems, our study paper employed legal research methods, including legislative, conceptual, case, and comparative approaches. This study argue it is necessary to strengthen the content moderation instrument that has been regulated very generally in Indonesian legislation to eradicate online gambling from upstream. The form of moderation can also be conducted with a variety of techniques ranging from blocking, visibility reduction (demotion), delisting, and content ranking. The establishment of a cyber security and resilience law should be a first step by making content moderation an instrument to ensure cyber security and resilience.

Keywords

content moderation, digital sovereignty, Indonesia, online gambling.

I. Introduction

The arrest of eleven employees of the Ministry of Communication and Digital (Komdigi) by the police has opened a dark veil in the eradication of online gambling

crimes.¹ Employees who are supposed to be in charge of blocking online gambling sites have actually become protectors of the existence of these illegal sites. Online gambling is like a mushroom in the rainy season that continues to grow despite blocking activities carried out by the government. The existence of criminality such as online gambling in cyberspace is an inevitable fact and it is the duty of the government to eradicate it. The influence of online gambling, especially on the younger generation, is extremely dangerous since addiction to this activity can interfere with psychological, social life, and physical disorders.²

The regulation regarding the prohibition of online gambling regulated in Article 27 paragraph 2 of Law Number 11/2008 on Electronic Information and Transactions (ITE Law) was originally a hope in eradicating gambling that occurred in cyberspace. However, in reality, the penetration of online gambling has become increasingly massive and is even widely practised by the lower classes in both urban and rural areas. As of September 2024 the former Ministry of Communication and Information Technology has even blocked 3,277,834 online gambling sites.³

¹ Rini Kustiasih, 'Pegawai Kementerian Komdigi Malah Lindungi Bandar Judi, Apa Yang Sebenarnya Terjadi?', *Kompas.Id*, 2 November 2024, <https://www.kompas.id/baca/nusantara/2024/11/01/pegawai-kementerian-komdigi-malah-lindungi-bandar-judi-apa-yang-sebenarnya-terjadi>.

² Ramdani Budiman et al., 'The Impact of Online Gambling Among Indonesian Teens and Technology', *IAIC Transactions on Sustainable Digital Innovation (ITSDI)* 3, no. 2 (27 April 2022): 166, <https://doi.org/10.34306/itsdi.v3i2.559>.

³ Mentari Puspadini, 'Judi Online Bikin Warga RI Miskin, Kominfo Blokir 3,3 Juta Situs', *CNBC Indonesia*, 11 September 2024, <https://www.cnbcindonesia.com/tech/20240911174847-37->

Furthermore, this condition is seriously jeopardising Indonesia's digital sovereignty, which should have full authority to regulate appropriate and inappropriate content in cyberspace. Online gambling is an entry point for the collapse of Indonesia's digital sovereignty, if the state loses the battle with the gambling industry, it is not impossible that other digital giants will become new colonialists who colonise and control Indonesia through cyberspace. Therefore, it is necessary to strengthen the content moderation instrument that has been regulated very generally in Indonesian legislation to eradicate online gambling from upstream. Content moderation is an effort to detect, assess, and intervene against content that is contrary to societal values.⁴ Content moderation is scientifically recognised as an effective instrument to control illegal content on the internet. In the context of eradicating online gambling, content moderation becomes a preventive law enforcement instrument that can be effective if implemented fairly and consistently.

Studies on illegal content moderation in Indonesian cyberspace have been conducted by several scholars. Audrine and Setiawan discuss the regulation of content moderation in Indonesia from the perspective of freedom of expression.⁵ Furthermore, Paterson discussed the growth of Indonesia's digital ecosystem from the perspective of democratic readiness

571107/judi-online-bikin-warga-ri-miskin-kominfo-blokir-33-juta-situs.

⁴ Tarleton Gillespie et al., 'Expanding the Debate about Content Moderation: Scholarly Research Agendas for the Coming Policy Debates', *Internet Policy Review* 9, no. 4 (21 October 2020): 2, <https://doi.org/10.14763/2020.4.1512>.

⁵ Pingkan Audrine and Indra Setiawan, 'Impact of Indonesia's Content Moderation Regulation on Freedom of Expression' (Jakarta: Center for Indonesian Policy Studies, 2021).

and maturity to enforce content moderation.⁶ A different perspective on content moderation in Indonesia was conducted by Wismashanti by analysing Tiktok as a digital user generated content service provider.⁷ 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.

We present this article in three main sections: introduction, discussion, and conclusion. In the introduction section we explain the background, research questions, and research methods. For the discussion section, we discuss online gambling in Indonesian law, digital sovereignty and content moderation in cyberspace, and analysis of strengthening content moderation in Indonesian cyberspace. The last section of this study is the conclusion which will also provide policy recommendations for the Indonesian government.

Research Questions

Based on the background described above, this study will answer two research questions, namely:

1. How can online gambling threaten Indonesia's digital sovereignty in cyberspace?
2. How to strengthen content moderation to eradicate

⁶ Thomas Paterson, 'Indonesian Cyberspace Expansion: A Double-Edged Sword', *Journal of Cyber Policy* 4, no. 2 (4 May 2019): 216-34, <https://doi.org/10.1080/23738871.2019.1627476>.

⁷ Rizky Amalia Wismashanti, 'Social Media Content Moderation Challenges for Vulnerable Groups: A Case Study on Tiktok Indonesia', *Eduvest-Journal of Universal Studies* 3 (2023).

online gambling and maintain Indonesia's digital sovereignty?

The weakness of state control in digital space will make the penetration of online gambling even more massive. The rise of online gambling and the lack of state intervention in digital space threaten digital sovereignty. Content moderation instruments that have been regulated in Indonesian regulations are considered ineffective and therefore need to be evaluated. Strengthening content moderation will reinforce Indonesia's digital sovereignty in cyberspace.

II. Method

This article employs legal research methods,⁸ including legislative, conceptual, case, and comparative approaches.⁹ The analytical method used a combination of prescriptive ways¹⁰ to generate new arguments about attempts to eradicate online gambling, as well as descriptive methods¹¹ to describe how to eliminate online gambling properly.

⁸ Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum Di Indonesia - Sholahuddin Al-Fatih - Google Buku*, 1st ed., vol. 1 (Malang: UMM Press, 2023).

⁹ Sholahuddin Al-Fatih and Ahmad Siboy, *Menulis Artikel Karya Ilmiah Hukum Di Jurnal Nasional Dan Internasional Bereputasi* (Malang: Inteligencia Media, 2021).

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum, Edisi, Revisi* (Jakarta: Kencana, 2022).

¹¹ Irwansyah, *PENELITIAN HUKUM Pilihan Metode Dan Praktik Penulisan*, ed. Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2023).

III. DISCUSSION

Online Gambling in Indonesian Law

Eradicating online gambling in Indonesia has legal grounding primarily due to the country's strict stance on gambling in general, based on both religious and social norms as well as formal legislation. The legal framework supporting the eradication of online gambling in Indonesia is rooted in multiple laws and regulations that prohibit gambling and enforce restrictions on online activities.¹² The Indonesian Constitution (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945) does not directly mention gambling, but it emphasizes that Indonesia is based on Pancasila, with the first principle being "Belief in the One and Only God." This principle aligns with the values of Islam, the majority religion in Indonesia, which strictly prohibits gambling (or "*maisir*" in Islamic terminology). Thus, there is an implicit mandate to discourage activities like gambling, which are considered morally harmful.

The Criminal Code (Kitab Undang-Undang Hukum Pidana, or KUHP) explicitly prohibits gambling in Indonesia, both offline and online. Under Article 303 of the KUHP, gambling is criminalized, with penalties for organizing or facilitating gambling activities. This provides the legal basis for prosecuting individuals or groups involved in gambling. The ITE 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

¹² Adelina Sitanggang et al., 'Penegakan Undang-Undang ITE Terhadap Kasus Judi Online', *Mediation: Journal of Law* 2, no. 4 (3 December 2023): 16–22, <https://doi.org/10.51178/MJOL.V2I4.1620>.

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 ITE Law grants authorities the power to block websites, social media pages, and applications used for online gambling. This technical capability has been instrumental in reducing access to gambling platforms.

The Telecommunications Law (Law No. 36 of 1999) requires that all telecommunications activities must 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 pressure internet service providers (ISPs) to cooperate in blocking or restricting access to gambling sites. Law No. 8 of 2010 on Money Laundering (*UU Tindak Pidana Pencucian Uang*, or TPPU) 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.

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 seen as harmful to social and economic well-being.

The Negative Impact of the Online Gambling to Indonesian Society

In recent years, online gambling in Indonesia has generated enormous financial turnover, with estimates ranging from Rp 327 trillion to Rp 517 trillion. This vast scale is the consequence of a number of reasons, including the participation of millions of users and the employment of sophisticated payment mechanisms, which frequently route cash through shell companies and foreign transfers. In 2023 alone, over 3.3 million Indonesian citizens participated in online gambling activities, adding to the massive market size. The Indonesian government has voiced worry about these data, particularly given the social and economic impact of gambling on low-income individuals, which can lead to financial hardship and other serious human consequences.¹³

The Indonesian Ministry of Communications and Informatics predicted a startling loss of around 138 trillion Indonesian rupiah (nearly \$8.8 billion USD) due to internet gambling. Moreover, absed on information reported by the Financial Transaction Reports and Analysis Center or PPATK,

¹³ Alya Miftahul Jannah, uhammad Osmar Zaidan Al Wafi, and Sibiyah Aliyan, 'Perilaku Judi Online Pada Masyarakat Beragama Di Indonesia', *Journal Islamic Education* 1, no. 3 (2023): 348-57.

there are 157 million people who carry out online transactions in Indonesia from 2017 to 2022. The nominal amount of money circulating in transactions is 190 trillion.¹⁴ This financial drain affects many people, particularly those from poorer socioeconomic situations, who are frequently attracted into gambling by seductive, high-reward schemes, only to face increasing losses over time. Around 2.7 million Indonesians are actively involved in online gambling, with around 78% of these participants being young people, indicating a major impact on the youth population. In addition to direct financial losses, many gamblers borrow money from high-interest internet lenders, worsening personal debt and financial instability. This growth has led to proposals for stricter legislation and expanded public awareness initiatives to discourage internet gaming.

Online gambling contributes to poverty among Indonesians by financially destabilizing individuals who participate in it. The accessibility and addictive nature of online gambling platforms make it particularly damaging for economically vulnerable populations, drawing many people into a cycle of financial losses and high-interest debt. Studies show that around 78% of online gamblers in Indonesia are from lower-income backgrounds, and many borrow money to fund their gambling activities. This can quickly lead to substantial debt, as they often resort to high-interest, informal lending channels to continue gambling or to cover their initial losses. Online gambling's design is another factor that drives financial hardship. Many platforms offer initial rewards or winnings, creating a perception that gambling is an easy way

¹⁴ Yusril Wira Budi Ariyanto and Bisma Harun Ibrahim, 'Penegakan Hukum Kasus Judi Online Di Indonesia', *Jurnal Ilmu Sosial Dan Humaniora* 2985, no. 9 (2024): 306-10.

to make money. However, the system is set up to ensure that the "house" (i.e., the gambling platform) profits over time, making substantial long-term earnings for players almost impossible. Instead, people often face accumulating losses, which can lead to severe financial distress.¹⁵

Government data estimates losses due to online gambling in Indonesia at around Rp 138 trillion (approximately \$8.8 billion USD) in a single year, and there are numerous cases of individuals who have lost their savings or become indebted due to gambling addictions. This has prompted calls from social organizations and government bodies for stronger regulations and educational campaigns to curb the impact of online gambling on Indonesia's economically vulnerable populations. Not only does it have an impact on poverty, online gambling also has a big impact on increasing crime cases in society, such as theft, murder, and even divorce.¹⁶

¹⁵ Wahfidz Addiyansyah and Rofi'ah, 'Kecanduan Judi Online Di Kalangan Remaja Desa Cilebut Barat Kecamatan Sukaraja Kabupaten Bogor', *MANIFESTO Jurnal Gagasan Komunikasi, Politik, Dan Budaya* 1, no. 1 (27 August 2023): 13-22.

¹⁶ Tondi Amos Situmeang, Revi Ariska, and Tengku Mabar Ali, 'Tinjauan Hukum Tentang Pengaruh Judi Online Terhadap Perceraian', *Innovative: Journal of Social Science Research* 3, no. 4 (2023): 3808-17.

Digital Sovereignty and Content Moderation in Cyberspace

The English word sovereignty is rooted in the Latin word *superanus*, which means superior.¹⁷ In the development of modern state discourse, especially in the post-Montevideo Convention period, state sovereignty is attached to a particular territory, government, people, and the ability to conduct relations with other states.¹⁸ A sovereign state means that it maintains full control over its territory, government, people, and foreign relations. However, territorial boundaries are increasingly irrelevant as the digital world transcends national borders. The development of the cyber world requires an update to the concept of sovereignty, especially in the digital realm.¹⁹ Therefore, the conception of digital sovereignty or cyber sovereignty becomes essential for a state with massive internet users like Indonesia.

The definition of digital sovereignty is the state's authority and control over cyberspace characterised by the state's ability to constitute, effectively communicate and implement its national laws in cyberspace.²⁰ State sovereignty over digital space is factual and recognised by all parties. However, the

¹⁷ Julia Pohle and Thorsten Thiel, 'Digital Sovereignty', in *Practicing Sovereignty: Digital Involvement in Times of Crises*, ed. Bianca Herlo et al., Design, Band 54 (Bielefeld: transcript Verlag, 2021), 49.

¹⁸ Anna Stilz, *Territorial Sovereignty: A Philosophical Exploration*, First edition, Oxford Political Theory (Oxford; New York, NY: Oxford University Press, 2019).

¹⁹ Luciano Floridi, 'The Fight for Digital Sovereignty: What It Is, and Why It Matters, Especially for the EU', *Philosophy & Technology* 33, no. 3 (September 2020): 372, <https://doi.org/10.1007/s13347-020-00423-6>.

²⁰ Pohle and Thiel, 'Digital Sovereignty'.

state is often unaware that its sovereignty is undermined or even dominated by other cyber actors.²¹ In the context of online gambling, Indonesia's digital sovereignty over its cyberspace is being undermined by the bookies who operate either from inside or outside the territory but target the Indonesian people. The inability of the state to enforce the law in cyberspace signifies weak authority and control. The massiveness of online gambling in Indonesian cyberspace implies that digital sovereignty is very fragile and prone to be dominated by cyber actors who are against Indonesian law.

It must be recognised that not all countries have the ability to maintain digital sovereignty in their cyberspace. One example of a country that has successfully controlled its cyberspace is China. Since early 2000 China has started the 'Golden Shield' project which aims to protect digital sovereignty from the dominance of the internet giant, the United States.²² The imbalance of the cyber world order has motivated China to start building and shaping its cyberspace governance which then affects digital sovereignty. In its development, China's national policy in cyberspace affects the global world. The Chinese President, Xi Jinping, even expressly stated that every country has the right to determine its internet governance model and has the equality to participate in international cyberspace governance.²³

²¹ Lucie Kadlecová, *Cyber Sovereignty: The Future of Governance in Cyberspace* (Stanford, California: Stanford University Press, 2024), 49–50.

²² Thorsten Jelinek, *The Digital Sovereignty Trap: Avoiding the Return of Silos and a Divided World*, 1st ed, SpringerBriefs in International Relations Series (Singapore: Springer, 2023), 26.

²³ Rogier Creemers, 'China's Conception of Cyber Sovereignty: Rhetoric and Realization', in *Governing Cyberspace: Behavior, Power, and Diplomacy*, ed. Bibi van den Berg and D. Broeders, Digital

China consolidated its cyberspace policy by establishing several legal instruments on digital governance. The main regulation is the Cybersecurity Law adopted in 2017 which was then followed by e-commerce law, cryptography law, data security law, personal information protection law and harmonisation of the civil and commercial code.²⁴ Aynne Kokas argues, the Chinese government's policy to consolidate digital sovereignty is realised through the data corpus. This concept is operationally carried out by collecting all data on individuals, companies and countries that are integrated for the context of national security.²⁵ China also emulates the European Union by tightening the protection of personal data in cyberspace.²⁶ The combination of data consolidation and personal data protection policies results in China's full sovereignty over its cyberspace.

While there are countries, or more specifically the regional organisations, that have succeeded in establishing their digital sovereignty effectively, there are also countries and regional organisations that have succeeded in establishing their digital sovereignty. The European Union consolidates the digital sovereignty of its 27 member states through the Digital Market Act (DMA) and the Digital Service Act (DSA). These two regulations are the main legal instruments to provide cybersecurity while maintaining internal market balance.²⁷

Technologies and Global Politics (Lanham: Rowman & Littlefield, 2020), 109.

²⁴ Jelinek, *The Digital Sovereignty Trap*, 27.

²⁵ Aynne Kokas, *Trafficking Data: How China Is Winning the Battle for Digital Sovereignty* (New York, NY: Oxford University Press, 2023), 55.

²⁶ Jelinek, *The Digital Sovereignty Trap*, 28.

²⁷ European Commission, 'The Digital Services Act Package' (Brussels, 4 October 2024), <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>.

Prior to the DMA and DSA, the European Union had adopted the General Data Protection Regulation (GDPR) which became a global standard in the protection of personal data, especially in the cyber world. Unlike China, the EU's digital sovereignty consolidation efforts are not implemented with corpus data, but through strengthening regulations in personal data protection, cybersecurity, and fair competition.²⁸

China and the European Union have similarities in pursuing digital sovereignty, which involves strictly moderating content in cyberspace. However, operationally, the two entities are very distinct in its implementation. China strengthens the role of the state in moderating content, while the EU strengthens the role of digital service providers and the public to moderate content while still prioritising fundamental rights.²⁹ Article 3 letter t of the DSA defines content moderation as:

the activities, whether automated or not, undertaken by providers of intermediary services, that are aimed, in particular, at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility, and accessibility of that illegal content or that information, such as demotion, demonetisation, disabling of access to, or removal thereof, or that affect the ability of the recipients of

²⁸ Lev Topor, *Cyber Sovereignty: International Security, Mass Communication, and the Future of the Internet*, 1st ed. 2024, Global Power Shift (Cham: Springer Nature Switzerland, 2024), 68, <https://doi.org/10.1007/978-3-031-58199-1>.

²⁹ 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>.

the service to provide that information, such as the termination or suspension of a recipient's account.

Another definition of content moderation is also presented by Gillespie and Aufderheide, as follows:

the detection of, assessment of, and interventions taken on content or behaviour deemed unacceptable by platforms or other information intermediaries, including the rules they impose, the human labour and technologies required, and the institutional mechanisms of adjudication, enforcement, and appeal that support it.³⁰

Based on the above definitions, content moderation in general according to DSA and Gillespie and Aufderheide is an activity with the aim of limiting or even eliminating illegal content from being accessed by digital service users. One of the main objectives of content moderation in cyberspace is to narrow the space for cyber actors to conduct activities that are against the law. Therefore, in the context of eradicating online gambling in Indonesia, content moderation is a vital instrument to be strengthened. Indonesia can either follow China's lead in strengthening the role of government institutions or entrust digital service providers and users to moderate content in cyberspace as the European Union has implemented.

Indonesian law generally does not define content moderation at the level of acts, government regulations, or ministerial regulations. However, in some regulatory formulations, there are terms of content moderation explicitly. Article 27 paragraph (2) of the ITE Law clearly prohibits the distribution, transmission, and access to gambling content.

³⁰ Gillespie et al., 'Expanding the Debate about Content Moderation', 2.

Furthermore, Article 5 of Government Regulation No. 71/2019 on the Implementation of Electronic Systems and Transactions (PP PSTE) also requires digital service providers to ensure that their electronic systems are free from prohibited content. This provision also applies to private digital service providers, which is specifically regulated in Article 9 of the Minister of Communication and Information Technology Regulation Number 5 of 2020 concerning Private Scope Electronic System Operators (Permenkominfo PSELP).

The prevalence of online gambling content in Indonesia's digital services proves that the existence of the ITE Law, PSTE Regulation, and Perkominfo PSELP has not been effective enough. Reflecting on China and the European Union, content moderation in Indonesia, especially for the eradication of online gambling, should not only be aimed at prohibiting illegal content. Content moderation provisions should be implemented in the context of cybersecurity and in the long term to realise Indonesia's digital sovereignty in cyberspace. Therefore, it is necessary to strengthen the content moderation instrument by Indonesian law by taking inspiration from the successful practices implemented by countries such as China or regional organisations such as the European Union.

Reinforcing the Content Moderation in Cyberspace to Eradicate Online Gambling

Online gambling as an activity that is prohibited by Indonesian law also has a financially detrimental impact. Based on data released by the Financial Transaction Reporting Centre (PPATK), the amount of money circulation in online gambling sites until March 2024 reached Rp600 trillion.³¹ The blocking of online gambling sites continues, but in fact the existence of online gambling activities continues and is promoted by public figures on social media. Indonesian law requires digital service providers to conduct content moderation by ensuring that there is no illegal content circulating in the managed electronic system. The continued existence of online gambling promotions in the social media space or other types of electronic systems shows the weakness of content moderation instruments in Indonesian law. This condition certainly makes Indonesia's digital sovereignty even more fragile and threatened.

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 punished with administrative sanctions. Third, there is a lack of education for digital service users regarding online gambling content. To overcome these three problems, it is

³¹ Laksmi Pradipta Amaranggana and Rizal Setyo Nugroho, 'Perputaran Judi "Online" Di Indonesia Mencapai Rp 600 Triliun, Duitnya Lari Ke 20 Negara', *Kompas.Com*, 20 June 2024, <https://www.kompas.com/tren/read/2024/06/20/123000365/perputaran-judi-online-di-indonesia-mencapai-rp-600-triliun-duitnya-lari-ke?page=all>.

necessary to strengthen content moderation instruments in Indonesian law. This strengthening begins with the consolidation of Indonesia's digital sovereignty by strengthening cyber resilience. Currently, legal provisions regarding cyber resilience are still sectorally dispersed and dominated by statutory regulations under the act.

Tabel 1. The Indonesian Law on Cybersecurity

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

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

Based on the table above, it can be clearly understood that the provisions on cybersecurity in Indonesia are scattered in various sectors and have not been integrated. Therefore, the adoption of a Bill on Cyber Security and Resilience is a necessity.³² Online gambling should be considered as a cyber threat that endangers national security. In addition, online gambling also threatens the national economy, especially the digital economy that is being built by the government.³³

³² Sarah Safira Aulianisa and Indirwan Indirwan, 'Critical Review of the Urgency of Strengthening the Implementation of Cyber Security and Resilience in Indonesia', *Lex Scientia Law Review* 4, no. 1 (8 May 2020): 33-48, <https://doi.org/10.15294/lesrev.v4i1.38197>.

³³ 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 (8 May 2020): 49-62, <https://doi.org/10.15294/lesrev.v4i1.38109>.

Factually, this threat is the switching of money circulation to other countries such as Cambodia and China. Strengthening cyber security and resilience through the adoption of the Law on Cyber Security and Resilience is the basic foundation in 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 such as speech and criticising the government.³⁴

Cyber security and resilience will not be realised without strong content moderation in the digital world. Therefore, content moderation should be regulated in regulations higher than government regulations or ministerial regulations. Sanctions that are more than administrative must also be considered by policymakers. Content moderation mechanisms can be automated through the control of algorithms and the use of artificial intelligence.³⁵ Another form is a manual mechanism by utilising trusted flaggers as adopted by the European Union's DSA regime.³⁶ The form of moderation can also be conducted with a variety of techniques ranging from

³⁴ 'RUU Keamanan Dan Ketahanan Siber: Problem Dalam Pengaturan Dan Ancamannya Terhadap Kebebasan Sipil' (Jakarta: Lembaga Studi dan Advokasi Masyarakat, Imparsial, dan Institut Demokrasi dan Keamanan Indonesia, 2019), <https://www.elsam.or.id/policy-paper/ruu-keamanan-dan-ketahanan-siber--problem-dalam-pengaturan-dan-ancaman-terhadap-kebebasan-sipil>.

³⁵ Robert Gorwa, Reuben Binns, and Christian Katzenbach, 'Algorithmic Content Moderation: Technical and Political Challenges in the Automation of Platform Governance', *Big Data & Society* 7, no. 1 (January 2020): 205395171989794, <https://doi.org/10.1177/2053951719897945>.

³⁶ Naomi Appelman and Paddy Leerssen, "'On" Trusted" Flaggers', *Yale Journal of Law and Technology* 24 (2022).

blocking, visibility reduction (demotion), delisting, and content ranking.³⁷

Strengthening content moderation must also be accompanied by strict sanctions, both administrative and criminal. Administrative sanctions in the form of fines or suspension of operations are imposed on digital service providers and users who ignore their content moderation obligations. Meanwhile, criminal sanctions are given to digital service providers and users who clearly disseminate, transmit, or upload content that is 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 has to be started from upstream, namely by requiring consistent content moderation accompanied by strict sanctions.

Another important aspect of the fight against online gambling is compliance with Law No. 27 of 2022 on the Protection of Personal Data (PDP Act). 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 Act.

The eradication of online gambling must be realised to establish Indonesia's digital sovereignty in cyberspace. A strong and firm implementation of content moderation is one of the instruments that must exist to realise this sovereignty. Content moderation is conducted without ignoring the

³⁷ Leerssen, 'An End to Shadow Banning?'

principles of human rights that have been guaranteed by the constitution. Therefore, in implementing content moderation, it is also necessary to have an appeal mechanism for blocking, demotion, or delisting decisions made by digital service providers or the government. Furthermore, this mechanism is part of the democratic space provided to guarantee public rights in the digital world. In addition, to ensure democratisation in the implementation of content moderation, both regulators and digital service providers are required to be transparent and accountable.

IV. Conclusion

Online gambling is a criminal offence that harms Indonesia's digital sovereignty. Therefore, the eradication of online gambling is part of the digital sovereignty that Indonesia must achieve. Digital sovereignty will not be realised without content moderation based on cyber security and resilience, protection of personal data, guarantee of freedom of speech, and democracy. The establishment of a cyber security and resilience law can be a first step by making content moderation an instrument to ensure cyber security and resilience.

Indonesia can adopt the content moderation mechanism implemented by China or the European Union to realise its digital sovereignty. Certainly, adjustments are needed by taking into account 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 a form of realisation of Indonesia's digital sovereignty in cyberspace, which is currently still fragile and prone to being co-opted by other parties.

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