

ABSTRAK

PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU MEMPROMOSIKAN PERJUDIAN *ONLINE* (Studi Putusan No 892/Pid.Sus/2022/PN.TJK)

Oleh

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Kemajuan teknologi dan komunikasi telah mengubah masyarakat secara global, menciptakan dampak positif dan negatif, termasuk kejahatan siber seperti perjudian *online*. Promosi perjudian *online* melalui media sosial seperti Instagram dan WhatsApp semakin menarik minat masyarakat, meskipun melanggar hukum sesuai Pasal 27 Ayat (2) Undang-Undang Nomor 19 Tahun 2016. Kasus di Pengadilan Negeri Tanjung Karang (Nomor 892/Pid.Sus/2023/PN.TJK) mengungkap bahwa promosi judi *online* adalah tindak pidana dengan ancaman hukuman penjara dan denda. Penelitian ini menganalisis pertanggungjawaban pidana pelaku promosi judi *online* dan pertimbangan hakim dalam penjatuhan pidana serta mengkaji bagaimana teknologi dapat dimanfaatkan untuk memberantas praktik ilegal ini secara efektif oleh penegak hukum.

Penelitian menggunakan pendekatan yuridis normatif dan metode kualitatif deskriptif, mengumpulkan data primer dari wawancara dan data sekunder dari literatur hukum. Analisis ini bertujuan untuk mengidentifikasi elemen-elemen yang menjadi dasar pertanggungjawaban pidana dan memahami sejauh mana faktor-faktor ini memengaruhi putusan hukum dalam kasus promosi judi *online*, sehingga dapat memberikan rekomendasi untuk memperkuat kerangka hukum dalam mencegah dan menanggulangi kejahatan serupa di masa mendatang. Adapun pewawancara yakni Rakhmad Fajeri, S.H., M.H. selaku Hakim Pengadilan Negeri Tanjung Karang, serta Dr. Erna Dewi, S.H., M.H. dan Firganefi, S.H., M.H. selaku dosen hukum pidana Fakultas Hukum Universitas Lampung.

Berdasarkan hasil penelitian dan pembahasan menunjukkan Pertanggungjawaban pidana dalam kasus promosi judi *online* berdasarkan putusan hakim nomor 892/pid.sus/2022/Pn.Tjk. Delapan terdakwa yang secara ilegal mempromosikan perjudian *online* telah melanggar aturan pada Pasal 45 Ayat (2) Jo. Pasal 27 Ayat (2) Undang-undang Republik Indonesia Nomor 19 Tahun 2016 Tentang Informasi dan Transaksi Elektronik Jo Pasal 55 Ayat (1) ke-1 KUHP, sehingga dijatuhi hukuman selama 4 bulan dan 15 hari penjara serta denda Rp3.000.000. Putusan

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hakim sesuai dengan hukum yang berlaku dalam memperhitungkan aspek yuridis, sosiologis, dan filosofis. Yang mana dalam putusan perkara ini hakim lebih menitikberatkan pada aspek sosiologis dan filosofis. Pasal 55 KUHP dapat digambarkan sebagai ketentuan yang memperluas konsep pertanggungjawaban pidana dengan tidak hanya menargetkan pelaku utama, tetapi juga mencakup mereka yang menyuruh, turut serta, atau membujuk orang lain untuk melakukan tindak pidana.

Adapun simpulan dan saran yang dapat dikemukakan ialah pentingnya penegakan hukum dalam menjaga keadilan dan keamanan masyarakat serta menunjukkan penerapan undang-undang secara tepat untuk menghukum promosi judi ilegal. Kerja sama antara pemerintah, lembaga penegak hukum, dan masyarakat harus ditingkatkan guna memberantas praktik ilegal ini secara efektif. Selain itu, peninjauan dan penguatan kebijakan hukum harus dilakukan untuk memberikan efek jera yang lebih kuat kepada pelaku, sehingga mereka dapat direhabilitasi menjadi anggota masyarakat yang produktif. Edukasi dan peningkatan kesadaran publik mengenai bahaya perjudian, serta pendekatan pencegahan dan program rehabilitasi, juga sangat penting untuk menangani masalah kecanduan judi dan melindungi kesejahteraan sosial serta stabilitas masyarakat.

Kata Kunci: Pertanggungjawaban, Pelaku mempromosikan Judi online.

ABSTRACT

CRIMINAL LIABILITY FOR PERPETRATORS PROMOTING ONLINE GAMBLING

(Study of Decision No.892/Pid.Sus/2022/PN.TJK)

By

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Advances in technology and communication have transformed society globally, creating both positive and negative impacts, including cybercrimes such as online gambling. The promotion of online gambling through social media such as Instagram and WhatsApp is increasingly attracting public interest, even though it violates the law according to Article 27 Paragraph (2) of Law Number 19 of 2016. The case at the Tanjung Karang District Court (Number 892/Pid.Sus/2023/PN. TJK) revealed that the promotion of online gambling is a criminal act with the threat of imprisonment and fines. This study analyzes the criminal liability of online gambling promotion perpetrators and judges' considerations in imposing criminal penalties and examines how technology can be used to effectively eradicate this illegal practice by law enforcement.

The basis of criminal liability is that criminal liability errors require unlawful actions committed intentionally or negligently. The research uses a normative juridical approach and a descriptive qualitative method, collecting primary data from interviews and secondary data from legal literature. This analysis aims to identify the elements that form the basis of criminal liability and understand the extent to which these factors affect legal decisions in cases of online gambling promotion, so as to provide recommendations to strengthen the legal framework in preventing and tackling similar crimes in the future. The interviewers were Rakhmad Fajeri, S.H., M.H., serving as a Judge at the Tanjung Karang District Court, as well as Dr. Erna Dewi, S.H., M.H., and Firganefi, S.H., M.H., both of whom are Criminal Law lecturers at the Faculty of Law, University of Lampung.

Criminal liability must be strictly legally necessary to protect the public from the negative impacts of online gambling. Criminal liability contained in the verdict number 892/Pid.Sus/2023/PN. TJK regarding the promotion of online gambling involves several defendants. Criminal liability in the case of online gambling promotion plays an important role in upholding justice and maintaining public safety. The eight defendants who illegally promoted online gambling were

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sentenced to 4 months and 15 days in prison and a fine of Rp3,000,000 each. This punishment is based on a violation of the law committed with full awareness and without justification. Article 55 of the Indonesian Penal Code (KUHP) can be described as a provision that broadens the concept of criminal liability by not only targeting the principal perpetrator but also including those who order, participate in, or incite others to commit a criminal act.

The importance of law enforcement in maintaining justice and public security and showing the appropriate application of the law to punish the promotion of illegal gambling. Cooperation between the government, law enforcement agencies, and the community must be increased to effectively eradicate this illegal practice. In addition, legal policy review and strengthening must be carried out to provide a stronger deterrent effect to perpetrators, so that they can be rehabilitated to become productive members of society. Public education and awareness raising about the dangers of gambling, as well as prevention approaches and rehabilitation programs, are also critical to addressing the problem of gambling addiction and protecting social well-being and community stability.

Keywords: *Criminal Liability, Player Gambling Promotion Online Gambling.*