

Optimizing Law Enforcement Against Enforcement Of Online Gambling Promotion Cases by Influencer (Case Study of Gunawan Also Known As Sadbor)

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Abstract : *This research investigates the application of the principle of equality before the law in Indonesia, focusing on the case of influencer Gunawan Also Known As Sadbor, who was involved in promotion of online gambling. The rise of online gambling, exacerbated by influencer promotion, poses significant social and legal challenges. This study utilizes a normative juridical methodology, examining primary and secondary legal resources, including laws, court decisions, and scholarly articles, to assess the consistency and fairness of law enforcement in online gambling promotion cases. The research highlights inconsistencies in the handling of Sadbor's case compared to other similar cases, particularly regarding his detention and subsequent appointment as an anti-online gambling ambassador. This discrepancy indicates a potential failure to uphold the principle of equality before the law. The research findings emphasize the need for law enforcement to ensure impartial application of the law, increase public trust, and effectively prevent the promotion of online gambling. This study enhances understanding of the challenges in enforcing laws related to online gambling and the importance of adhering to the principle of equality before the law for a fair and equal legal system.*

Keywords : *Equality before the law, influencer accountability, legal consistency*

Abstrak : Penelitian ini menginvestigasi penerapan asas equality before the law di Indonesia, dengan fokus pada kasus influencer Gunawan alias Sadbor, yang terlibat dalam promosi judi online. Maraknya judi online, diperparah oleh promosi influencer, menimbulkan tantangan sosial dan hukum yang signifikan. Studi ini menggunakan metodologi yuridis normatif, memeriksa sumber daya hukum primer dan sekunder, termasuk undang-undang, putusan pengadilan, dan artikel ilmiah, untuk menilai konsistensi dan keadilan penegakan hukum dalam kasus promosi judi online. Penelitian ini menyoroti inkonsistensi dalam penanganan kasus Sadbor dibandingkan dengan kasus serupa lainnya, terutama mengenai penahanan dan pengangkatan berikutnya sebagai duta anti-judi online. Perbedaan ini menunjukkan potensi kegagalan dalam menjunjung tinggi asas equality before the law. Temuan penelitian menekankan perlunya penegak hukum untuk memastikan penerapan hukum yang tidak memihak, meningkatkan kepercayaan publik, dan secara efektif mencegah promosi judi online. Studi ini meningkatkan pemahaman mengenai tantangan dalam menegakkan hukum terkait judi online dan pentingnya mematuhi asas equality before the law demi sistem hukum yang adil dan setara

Kata kunci : Kesetaraan di depan hukum, akuntabilitas influencer, konsistensi hukum



I. INTRODUCTION

The development of information technology is one of the triggers for social problems that arise in society. What has been happening lately is the rise of online gambling cases. Online gambling can be said to be a social problem because it is a bad habit that is difficult to stop, where the initial win trigger the desire to continue playing with bigger bets. Online gambling can be in the form of betting on sports matches, online casinos, and other virtual games that bet and use digital money balances. Gambling done online or conventionally or offline is risky activity because it relies on luck and can lead to addiction. Meanwhile, easy access to the internet makes online gambling more prevalent and difficult to overcome.¹

The number of on online gambling players shows a sharp increase. In 2021, it reached around 2.76 million people with most of them coming from the lower middle class, namely 2.19 million people.² This figure continues to increase, and by 2024, the number has reached 3.5 million people, with around 80% of them coming from the lower middle class.³ The rise of online gambling cases in Indonesia has created new opportunities to promote online gambling sites. People who spread information about gambling or invite others to join gambling online are called online gambling promoters, just like influencers who promote online gambling.

Suryati argues that promotion is an effective way to get people interested and on board with our offer, as they will be convinced that the offer will benefit them.⁴ Financial hardship is often the reason behind an influencer's decision to promote online, gambling. Another contributing factor is social pressure from followers who expect influencers to continue entertaining and providing engaging content, even if it means engaging in potentially harmful promotions.⁵ In an effort to expand their market reach, many online gambling service providers eventually capitalize on the popularity of influencers on their social media. With a large number of followers, influencers become an effective promotional medium for bookies to attract the public.⁶

Regarding the regulation of gambling crimes in the Indonesian legal system, it is contained in two different laws and regulations. For direct or conventional gambling, the

¹ Ines Tasya Jadidah, Utami Milyarta Lestari, Keysha Alea Smanah Fatih, Roja Riyani, Neli, Cherrysa Ariesty Wulandari. 2023. Analisis Maraknya Judi Online di Masyarakat. *Jurnal Ilmu Sosial dan Budaya Indonesia* 1(1), hlm 22

² Zefanya Aprilia. 5 Tahun Terakhir Transaksi Judi Online Warga RI Melonjak 8.136,77%!, CNBC Indonesia. Diakses melalui <https://www.cnbcindonesia.com/market/20240506193944-17-536198/5-tahun-terakhir-transaksi-judi-online-warga-ri-melonjak-813677>. Pada tanggal 13 November 2024. Pukul 18:57.

³ Mentari Puspadini. Alert! Ada 3,5 Juta Pemain Judi Online di RI, 80% Kelas Menengah Bawah, CNBC Indonesia. Diakses melalui <https://www.cnbcindonesia.com/tech/20240617204841-37-547171/alert-ada-35-juta-pemain-judi-online-di-ri-80-kelas-menengah-bawah>. Pada tanggal 13 November 2024. Pukul 19:40.

⁴ Billy Sachio dan Noor Saptanti. 2024. *Pertanggungjawaban Hukum Influencer Judi Online Terhadap Masyarakat Yang Rugi Ditinjau Dari Hukum Perdata*. *Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1(3), hlm 173

⁵ Vanda Affan dan Yusuf Saefudin. 2023. Tinjauan Kriminologis Terhadap Influencer yang Mengiklankan Judi Online (Studi Putusan Nomor: 871/Pid.Sus/2022/PN T'jk), *Amerta: Jurnal Ilmu Sosial dan Humaniora* 3(1), hlm 17

⁶ Ignasius Yosanda Nono, Anak Agung Sagung Laksmi Dewi dan I Putu Gede Seputra. 2021. Penegakan Hukum Terhadap Selebgram yang Mempromosikan Situs Judi Online. *Jurnal Analogi Hukum*, 3(2), hlm 236

legal provisions can be found in Article 303 paragraph (3) of the Criminal Code which reads “Gambling refers to any activity in which it is usually feasible to profit by chance or because of the skill and practice of the player.”⁷ As for gambling conducted through electronic or online media, the legal regulation is specifically regulated in Article 27 paragraph (2) Jo. Article 45 paragraph (3) of Law Number 1 of 2024 concerning the second amendment to Law Number 8 of 2011 concerning Electronic Information and Transactions (ITE) states, “Every individual who knowingly and unlawfully disseminates, transmits, or makes accessible electronic information and/or electronic documents involving gambling content.” According to Article 45 paragraph (3), penalties may include imprisonment of up to 10 (ten) years and/or a fine not exceeding 10 Billion.⁸

In addition to these arrangements, the government also passed the latest online gambling legal arrangements in Law Number 1 of 2023 concerning the Criminal Code contained in article 426 and article 427. Described in Article 426(1), any individual who engages in unlicensed activities and is convicted may face imprisonment not exceeding nine (9) years or a monetary penalty not exceeding category VI. Specifically, such individuals are described as follows: (a) extending the offer or facilitating opportunities for gambling and obtaining a livelihood from such activities; (b) presenting or enabling the public to engage in gambling or participate in Peruvian enterprises, regardless of whether the established conditions or regulations are met for the utilization of such opportunities; or (c) establishing participation in gambling as a means of sustenance. Article 426(2) provides that in cases where the criminal acts described in paragraph (1) are committed in the context of a professional activity, additional criminal sanctions may be imposed, which may include the deprivation of rights as articulated in Article 86(f). Furthermore, Article 427 articulates, “Any individual who engages in facilitated gambling activities without the necessary license shall be subject to a prison sentence not exceeding three (3) years or a financial sanction not exceeding category III.”⁹

Despite the existence of regulations governing this matter. There was a case of online gambling promotion that dragged an influencer of the TikTok platform named Gunawan or known as Sadbor, the case raised a number of issues related to the inappropriate implementation of the law. The case also highlights the challenges faced in the realm of law enforcement regarding gambling offenses in Indonesia, especially in the context of online gambling promotion. Gunawan Sadbor and his partner were arrested on October 31, 2024 after conducting a live stream promoting an online gambling site. This arrest was based on a cyber patrol conducted by the police after receiving reports from the public. In the live stream, Gunawan and his partner allegedly received gifts from gambling site providers as a form of promotion.¹⁰

Gunawan Sadbor previously denied involvement in gambling promotion, stating that he was trying to block accounts affiliated with online gambling. However, the police

⁷ Undang-Undang Nomor 1 Tahun 1946 tentang Peraturan Hukum Pidana.

⁸ Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE).

⁹ Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (KUHP).

¹⁰ Dennis Febrian dan Ilyas Supendi. Fakta-fakta Kasus Gunawan Sadbor Sukabumi yang Dibui Gegara Promosi Judi Online, Sukabumi Update. Diakses melalui <https://www.sukabumiupdate.com/sukabumi/149352/fakta-fakta-kasus-promosi-judi-online-yang-buat-gunawan-joget-sadbor-sukabumi-dibui>. Pada tanggal 14 November 2024. Pukul 07:35.

considered that his live streaming activities still fulfilled the elements of a criminal offense in accordance with applicable laws.¹¹ After being detained for one week, Gunawan Sador's detention was finally suspended on November 8, 2024. This suspension was made after receiving a request from Gunawan's family and legal counsel. According to the police, the suspension was in accordance with the provisions of the Criminal Procedure Code (KUHAP) which allows for requests from suspects and their families for suspension.¹² In a later development, the Chief of the Indonesian National Police (KAPOLRI) General Listyo Sigit Prabowo announced that Gunawan was not only released but also appointed as an anti-online gambling ambassador. This was due to the fact that Gunawan was proven not to collaborate with online gambling perpetrators and was considered to be able to assist the police in uncovering the gambling network.¹³

But in addition, there is also a Supreme Court decision in case Number (628/Pid.B/2023/PN.Smn) in Sleman, a 30-year-old man named EAS was found guilty of spreading online gambling links. EAS, who began to recognize online gambling since 2019, then had the initiative to spread the link in the hope of benefiting from people who accessed the link through his invitation. For his actions, EAS was charged with Article 45 paragraph (2) in conjunction with Article 27 paragraph (2) of Law Number 19 of 2016 concerning Electronic Information and Transactions. As a consequence, EAS was sentenced to imprisonment for 1 year and 8 months and a fine of Rp250,000,000. If the sanction is not paid, EAS will serve 1 month of substitute imprisonment. Furthermore, EAS was also charged with court costs of Rp2,000.¹⁴

This study observes that in practice law enforcement officials need to review the principle of equality before the law as a basis for equality in processing cases. This study aims to examine the application of the principle of equality before the law in the case of Gunawan also known as Sador, an influencer involved in the promotion of online gambling. The principle of equality before the law emphasizes that every individual has equal status in the eyes of the law, without any form of discrimination or different treatment. Therefore, this study will analyze the extent to which the principle is applied in the legal process that Gunawan also known as Sador should undergo, both in the investigation, prosecution, and court decision stages. This study also aims to examine the ideal form of prosecution in this case to ensure legal justice and deterrent effect for the perpetrator. The ideal prosecution must consider aspects of positive law in Indonesia, effectiveness in reducing the number of cyber crimes, and the impact on the wider community.

In this case, several previous studies have also discussed the promotion of online gambling by several actors from various types of digital platforms. Vanda Affan and Yusuf

¹¹ Ibid

¹² CNN Indonesia. Penahanan Gunawan Sador Ditangguhkan Berawal dari Permintaan Keluarga. Diakses melalui <https://www.cnnindonesia.com/nasional/20241111113146-12-1165198/penahanan-gunawan-sador-ditangguhkan-berawal-dari-permintaan-keluarga>. Pada tanggal 14 November 2024. Pukul 08:15.

¹³ Sultan Abdurrahman, Kapolri Listyo Sigit Prabowo Tunjuk Gunawan Sador Jadi Duta Anti-Judi Online, Tempo. Diakses melalui <https://www.tempo.co/hukum/kapolri-listyo-sigit-prabowo-tunjuk-gunawan-sador-jadi-duta-anti-judi-online-1166681>. Pada tanggal 14 November 2024. Pukul 08:29.

¹⁴ Mufti Riyab Kenan. 2024. *Analisis Yuridis Promosi Judi Online Melalui Media Sosial (Putusan Nomor 628/PID.B/2023/PN SMN)* Universitas Islam Negeri Sunan Kalijaga, Yogyakarta, hlm 4-6

Saefudin's (2023) research entitled "Criminological Review of Influencers Advertising Online Gambling (Study of Decision Number: 871/Pid.Sus/2022/PN T'jk)" discusses the motives of influencers to engage with promotional opportunities related to online gambling. In addition, it discusses strategies to reduce the demand for online gambling advertisements aimed at influencers in terms of criminological aspects. Furthermore, in the research of Sari Desriwati (2023) with the title "Criminal Liability for Online Gambling Promotion Actors Conducted Through Social Media Viewed from a Criminal Perspective" analyzes the phenomenon of online gambling site promotions carried out by YouTubers conducted through the provision of donations. Supporting this research, Mufti Riyan Kenan's research (2024) entitled "Juridical Analysis of Online Gambling Promotion Through Social Media (Decision Number 628/PID.B/2023/PN SMN)" examines the basic reasoning used by judges in decision making and criminal liability for online gambling promotion through social media in Judge Decision Number 628/Pid.B/2023/PN Smm.

By considering previous research, this study aims to examine the legal aspects in the context of optimizing law enforcement against the prosecution of online gambling promotions carried out by influencers by reviewing the relationship between the principle of equality before the law as a basis for equality in processing cases and also against ideal prosecution of the consequences of their actions, which the author will assess to provide input or consideration for law enforcement officials so that law enforcement related to online gambling promotion cases can be carried out optimally and holistically.

II. RESEARCH METHODS

The study approach used by the authors in their investigation is normative jurisprudence. Normative juridical research according to Soejono Soekonto and Sri Mamuji is often known as a library law study, which involves conducting legal research through analyzing and reviewing library resources or secondary data. In the data collection technique, the author collects data using the literature study method in the form of books, journals, notes, articles and other legal analysis which is the literature for the author. This data collection is continuous with the title and problem formulation of the study that the author raises. Normative legal research uses document analysis methods to examine various written legal sources, including laws, court decisions, and the views of legal experts, to understand a legal problem in depth.¹⁵ Through this research, the author's goal in analyzing data is to transform the data that the author gets in order to serve as a valuable source of information and insight for readers. The author carefully processes the data, so that it can provide new knowledge and perspectives for better future policies and research.

The sources taken to conduct this normative legal research consist of library materials or secondary data. Library materials include content obtained from primary and secondary sources.¹⁶ Primary sources of legal material consisted of legislative rules on gambling offenses, along with legal provisions related to electronic information and transactions within the Indonesian legal framework. The laws are summarized in Law No.

¹⁵ Willa Wahyuni. Objek Penelitian Hukum Normatif untuk Tugas Akhir. Diakses melalui <https://www.hukumonline.com/berita/a/objek-penelitian-hukum-normatif-untuk-tugas-akhir-lt63a46376c6f72/>. Pada tanggal 15 November 2024. Pukul 08:24.

¹⁶ Dr. Kristiawanto, S.H.I., M.H, 2022, Memahami Penelitian Hukum Normatif, (Prenada: Jakarta), hlm 24

1 of 1946 on Criminal Law Regulations, Law No. 8 of 1981 on Criminal Procedure, Law No. 11 of 2008 on Electronic Information and Transactions (ITE), Law No. 1 of 2023 relating to the Criminal Code (KUHP), and Law No. 1 of 2024 representing the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (ITE). In addition to utilizing primary sources of legal material, this research also incorporates secondary sources of legal material to collect data for this research including other sources in addition to laws and regulations, such as books, journals, and scientific articles relevant to the topic to be researched. These sources are certainly the foundation in dealing with the conceptualization of the problem described in this study.

III. DISCUSSION

Application of the Principle of Equality Before The Law to the Case of Gunawan Also Known As Sador

Indonesia is recognized as a country governed by law, as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.¹⁷ This condition shows how urgent we are to uphold the law, the law must be the main guide in all areas of state life. The rule of law guarantees that all citizens are treated equally under the law, as stipulated in Article 28 D (1) of the 1945 Constitution of the Republic of Indonesia. This equality means that all citizens are treated fairly without discrimination in the legal process. With equal standing, no person has superiority or inferiority to the law. The principle of no man above the law emphasizes that the law does not provide advantages for certain legal subjects.

If there are individuals who receive preferential treatment, it means placing them as if they are above the law, which is contrary to the principle of equality before the law. The principle of equality before the law is an important pillar in Indonesia's criminal justice framework. Unfortunately, the current legal problems have made this pillar fragile, hampering the law enforcement process. Differences in treatment in detention carried out by law enforcement officials (Police) against suspects show that this principle is getting weaker. This hampers fair and impartial law enforcement. In the concept of this principle, law enforcement officers (Police) must be balanced in investigating and processing cases (criminal offenses).

If Indonesia truly upholds the principle of equality before the law, then there should be no different treatment and settlement in every criminal case, especially the promotion of online gambling when compared to other perpetrators such as not being subject to detention and the imposition of suspension of detention.¹⁸ Based on the case of Gunawan also known as Sador, it shows that the value of the principle of equality before the law is not applied optimally, this value turns out to be only a mere slogan and is also not consistently applied. If this value is truly implemented, then the granting of arbitrary discretion will not occur. Discretion is currently given more to certain groups, meaning that the concept of equality before the law has been misinterpreted into "equality for ordinary people". This shows that the basic principles of our law are not truly applied holistically.

¹⁷ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

¹⁸ Dharma Wardana, 2017, *Fair Trial Dalam Proses Peradilan Pidana di Indonesia*, Tesis Universitas Islam Indonesia, Yogyakarta, hlm 57-62.

In fact, if you explore the provisions in the Law on the Criminal Code (KUHP) and the Law on Electronic Information and Transactions (ITE), both laws explicitly use the phrase “every person” in each article which shows an effort to realize the principle of equality before the law. In other words, these laws have binding force for all individuals involved in legal actions as outlined therein. Whatever the reason, any attempt to provide preferential treatment to the perpetrators of criminal acts is a form of injustice that is contrary to the principle of equality before the law, even if there is legitimacy stating that the perpetrators of the criminal act of online gambling promotion do not collaborate with the perpetrators of online gambling service providers and ignorance that the act is a criminal act.

In the case of Gunawan also known as Sadbor, the application of the principle of equality before the law ensures that this case should not experience delays or special treatment simply because of the suspect’s status as a well-known influencer. When the wider community expects law enforcement to be carried out fairly and firmly, Gunawan actually received different treatment. After being named a suspect, his status did not result in long-term detention. Even more surprising, he was appointed as an anti-online gambling ambassador by the Indonesian National Police. This decision raises a big question mark in society, how is it possible that someone who has just been suspected of facilitating gambling promotions can immediately have their image rehabilitated by law enforcement institutions? This treatment is even more striking when compared to many ordinary citizens who are caught in similar cases. Not a few online gambling promoters are immediately detained, processed quickly, and sentenced without the opportunity to defend themselves in public. This means that there can be suspicions of special treatment that is contrary to the principle of equality before the law.

Herein lies the main problem of the impression that social status, popularity, and media exposure can influence legal decisions. This phenomenon shows the potential for abuse of authority and unfair practices in the law enforcement process.¹⁹ When the law is no longer an objective tool of justice, public trust in law enforcement institutions will be eroded. The public has the right to question motives behind such differential treatment, and the police institution should answer transparently. Law enforcement should not be subject to popularity or public opinion, but rather should be based on legal facts and the principle of equal justice for all citizens.

The implementation of the law against Gunawan also known as Sadbor can have a wide impact on the digital industry, especially for other influencers who are active in promotional cooperation. This case sets a precedent that engaging in illegal activities such as online gambling promotions has serious legal consequences. This leads to several important implications, among others: First, raising legal awareness among influencers, many influencers previously considered online gambling promotions as ordinary business cooperation, without understanding the legal consequences. This case emphasizes that any form of cooperation must be ensured to be legal before being promoted to the public. Second, encouraging stricter regulation on digital platforms, the government has begun to urge social media platforms to be more active in filtering online gambling promotion

¹⁹ Rahman Amin dan Muhammad Fikri Al Aziz, 2023, Penguatan Komisi Kepolisian Nasional Dalam Pengawasan Penyidikan Tindak Pidana Oleh Polri, KRTHA BHAYANGKARA, Vol. 17, No. 1, hlm 3

content and imposing strict sanctions on accounts that violate policies. And third, preventing the spread of online gambling in the community, with the prosecution of influencers involved in online gambling promotions, it is hoped that the public will become more aware of online gambling invitations or advertisements.

This case should also reflect the government's commitment to enforcing the law without discrimination. Previously, there were many similar cases involving influencers promoting online gambling, but most of them only ended in reprimands or content removal.²⁰ If there is firmness from law enforcement officials in cracking down on online gambling promotions, further action against Gunawan's case should be an example that the government is starting to implement a zero tolerance policy towards this offense.

Analysis of the Enforcement of the Gunawan Also Known As Sadbor Case as a Form of Optimizing Law Enforcement.

Sukabumi Resort Police arrested and named a TikTok content creator named Gunawan, commonly known as Sadbor, and his colleague Supendi also known as Toed as suspects for promoting online gambling. Their arrest on October 31, 2024 originated from a public report that reported the activity of promoting online gambling sites through Gunawan's @sadbor86 TikTok account. After receiving the report, the Cyber Patrol Team from Sukabumi Resort Police proceeded to investigate and observe the activities of the @sadbor86 account. Then on October 26, 2024 at around 1:30 pm, Gunawan as the owner of the TikTok account along with his colleague Supendi as the host and a number of other residents conducted a live broadcast.

On the live broadcast, the TikTok account @flokito1 gave a gift or saweran in a large enough amount. Supendi aka Toed, who was hosting the live broadcast event, was surprised when he saw the gift and said the words "Mr. Floki again gacor, anti rungkad! Oe oe oe! For those who want to join in, the link can be found on Google. Flokitoto again gacor, ready to WD! Mr. Floki wadidaw, well aweu-aweu!" blatantly. Subsequently, after a police investigation, it was revealed that the highest value bet sourced from the live broadcast came from an online gambling platform. As a result of these actions, the two individuals were charged under Article 45 paragraph 3 in conjunction with Article 27 paragraph 2 of Law No. 1 of 2024, relating to the second amendment to Law No. 11 of 2008 on Electronic Information and Transactions, and/or Article 55 paragraphs 1 to 1 of the Criminal Code, with a potential prison sentence of up to 10 years and a fine of Rp 10 billion.²¹

Prior to his arrest, Gunawan had responded via his tiktok account, he denied the allegations and stated that he had never collaborated with an account connected to online gambling. He also emphasized that he had tried to prevent accounts allegedly linked to online gambling from entering his live broadcasts.²² Then after being named a suspect and detained, on November 8, 2024 his detention was suspended at the request of his family.

²⁰ Dwi Bowo Raharjo, Soroti Kasus Gunawan Sadbor, Anggota Komisi III DPR Minta Aparat Tindak Juga Artis yang Promosikan Judol, Suara.com, 8 November 2024, hlm 1

²¹ Budianto Hutahaean, Ini Peran Gunawan Sadbor di Kasus Promosi Situs Judi Online, Ternyata. JPNN.com. Diakses melalui <https://www.jpnn.com/news/ini-peran-gunawan-sadbor-di-kasus-promosi-situs-judi-online-ternyata>. Pada tanggal 6 Februari. Pukul 08:15

²² Ryn/gil, Ditangkap Polisi Gunawan Sadbor Bantah Promosi Judi Online, CNN Indonesia. Diakses melalui <https://cnnindonesia.me/nasional/20241101154810-12-1162040/ditangkap-polisi-gunawan-sadbor-bantah-promosi-judi-online>. Pada tanggal 6 Februari. Pukul 08:50

Nevertheless, Gunawan and his colleague Supendi remain suspects in this case. Ajun Komisaris Besar Polisi (AKBP) Samian, Head of the Sukabumi Resort Police (KAPOLRES), explained that the suspension of detention was carried out in accordance with existing legal regulations. He also emphasized the important role of collaboration between the community and law enforcement agencies in eradicating online gambling practices that harm the community.²³ In a further development on November 11, 2024 despite his suspect status, the Chief of the Indonesian National Police (KAPOLRI) General Listyo Sigit Prabowo appointed Gunawan Sadbor as an anti-online gambling ambassador. He also revealed that this appointment step was taken to answer criticism regarding the different treatment of influencers involved in the promotion of online gambling.²⁴

As explained in the previous discussion of the case, it can be seen that what the two suspects have done is an act that includes promoting online gambling, as evidenced by the sentence uttered by Supendi also known as Toed as the host (host) by drawing attention to the live broadcast audience to try the online gambling account website that has openly provided saweran or gift (gift). And also Gunawan also known as Sadbor as the account owner is considered a facilitator, which means that he participated in the criminal act, so according to the article that ensnares them, they can be punished according to the perpetrators of the criminal act. What has been done by the suspect, who is also an influencer, can cause the audience to be interested and develop confidence to try the online gambling account website.²⁵ In this regard, it is hoped that the application of the principle of equality before the law will encourage consideration of suspension of detention, which should be carried out further.

When the investigation process has been completed and sufficient evidence has been collected, law enforcement officials must immediately transfer the case to the prosecutor's office to be followed up in the prosecution process. The submission of this case is an important stage in the criminal justice process which indicates that the case is ready to be tried in court. According to Article 138 paragraph (1) of the Criminal Procedure Code, after the public prosecutor obtains the case file from the investigator, he/she must conduct an assessment within 7 working days to determine whether the case is complete (P-21) or still requires additional evidence.²⁶ If the case is declared complete, the prosecutor must immediately proceed to the preparation of the indictment and submission to the court.

After the case is submitted to the court, the next process is the examination in court until the judge makes a decision. At this stage, the application of the principle of equality before the law requires that the judge's decision is based on the existing legal facts, not on external factors such as media influence, public pressure, or the social status

²³ Isnaya Helmi, Polisi Tangguhkan penahanan Gunawan Sadbor Di Kasus Promosi Judi Online, Kompas TV. Diakses melalui <https://www.kompas.tv/nasional/552413/polisi-tangguhkan-penahanan-gunawan-sadbor-di-kasus-promosi-judi-online>. Pada tanggal 6 Februari. Pukul 09:25

²⁴ Sultan Abdurrahman, Kapolri Listyo Sigit Prabowo Tunjuk Gunawan Sadbor Jadi Duta Anti-Judi Online, Tempo. Diakses melalui <https://www.tempo.co/hukum/kapolri-listyo-sigit-prabowo-tunjuk-gunawan-sadbor-jadi-duta-anti-judi-online-1166681>. Pada tanggal 6 Februari. Pukul 09:40

²⁵ Sari Desriwaty, 2023, *Pertanggungjawaban Pidana Terhadap Pelaku Promosi Judi Online Yang Dilakukan Melalui Media Sosial Ditinjau Dari Perspektif Pidana*, Universitas Putera Batam, Batam, hlm 24

²⁶ Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana

of the defendant. According to Article 183 of the Criminal Procedure Code, a defendant can only be found guilty if there are at least two valid pieces of evidence that support the prosecutor's charges.²⁷ In the case of Gunawan and his colleague Supendi, evidence that could be used at trial included: digital recordings of online gambling promotions uploaded on social media, financial transaction traces showing payments from gambling sites, expert witness testimony such as legal experts or digital forensics, and the defendant's testimony given in the investigation report (BAP). The judge will then consider all the evidence submitted before making a decision based on the applicable legal provisions. The application of equality before the law at this stage ensures that the verdict handed down to Gunawan cannot be lighter or heavier just because of his status as an influencer, but must be based on legal facts and conformity with applicable laws.

It is hoped that these enforcement measures will create a deterrent effect for violators, especially influencers and public figures, to be more careful in terms of cooperating with illegal activities such as online gambling. This mechanism shows that law enforcement against online gambling promotion is increasingly tightened and not only targets gambling players or gambling service providers, but also those who play a role in promoting and supporting the online gambling ecosystem. This is concrete evidence of the government's commitment to eradicating online gambling in Indonesia and offers the public insight into the legal consequences of engaging in such activities.

In addition to the repressive approach through legal action, optimizing law enforcement against online gambling promotion is also carried out by increasing public awareness through digital education. The government and various community organizations have begun to actively socialize the dangers and legal consequences of online gambling through various communication channels, such as schools, universities, public seminars, and campaigns on digital platforms.²⁸ This campaign aims to increase public understanding of the negative impacts of online gambling, including the potential for addiction, financial losses, and legal risks that can ensnare those involved in it. This digital education also serves to prevent the younger generation, who are the main target of online gambling marketing, from being trapped in gambling practices that are increasingly massive in the digital era. With a better understanding of the law and its consequences, it is hoped that the public can be more vigilant and not easily tempted by online gambling promotions that are widespread on social media.

The final step in optimizing law enforcement is cooperation with digital platforms and financial technology to inhibit transactions related to online gambling.²⁹ The government began collaborating with various large technology companies, such as Meta (Whatsapp, Facebook, and Instagram), TikTok, YouTube, as well as financial service providers such as banks and fintech to limit the flow of funds used in online gambling transactions. One of the steps taken is to tighten regulations related to suspicious financial

²⁷ Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana

²⁸ Supardi, Dian Sudiantini, dan Kuds Holil, 2024, *Peningkatan Kesadaran dan Pengetahuan tentang Bahaya Judi Online pada Generasi Muda di kota bandung melalui Pendidikan literasi digital*, Jurnal Ilmu Pendidikan, Vol. 1 No. 2

²⁹ Wahyu Nurindah Kharisma, *Optimalisasi Peran Pemerintah dan Masyarakat dalam Pemberantasan Kasus Judi Online di Era Digitalisasi*. Diakses melalui <https://law.uii.ac.id/blog/2024/09/05/optimalisasi-peran-pemerintah-dan-masyarakat-dalam-pemberantasan-kasus-judi-online-di-era-digitalisasi/>. Pada 14 Februari 2025 pukul 17:40

transactions and work with banks to block accounts that are indicated to be used for online gambling activities.³⁰ In addition, social media platforms are also encouraged to tighten their policies in filtering and cracking down on content that contains promotions or invitations to play online gambling. Through collaborative efforts across these various sectors, it is anticipated that the government can create a stronger system in preventing online gambling from expanding more widely and reducing its negative impact on society.

Various strategies implemented in optimizing law enforcement against online gambling promotion, the government is increasingly showing its commitment to eradicating this illegal practice. The case of Gunawan also known as Sadbor is a concrete example that strict action against individuals involved in online gambling promotion can be the first step in building a stronger legal system and providing a deterrent effect to other perpetrators. This optimization is expected to continue to develop with a holistic approach that includes legal, technological, and public education aspects, so that online gambling is no longer a threat to Indonesian society.

IV. CONCLUSIONS

Based on the results of research on the application of the principle of equality before the law in the case of Gunawan also known as Sadbor, it can be concluded that this principle has not been applied optimally. In this case, although it was legally proven that the actions taken by Gunawan and his colleague Supendi fell into the category of online gambling promotion, there were indications of different treatment, especially in the aspect of suspension of detention. The suspension of detention given without clear reasons and the appointment as an anti-online gambling ambassador by the police are indications that the principle of equality before the law has not been fully implemented. This shows a tendency to use disproportionate discretion, which in turn weakens public confidence in the legal system in Indonesia. Therefore, more assertive, transparent and non-discriminatory law enforcement is needed to ensure that every individual receives equal treatment regardless of their social status or influence.

³⁰ Fatimah Rahmawati, Tempuh Tiga Langkah, Kominfo Terus Tangani Situs Judi Online, Ditjen Aptika, 21 Oktober 2023, hlm 1

REFERENCE

Legislation

- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
 Undang-Undang Nomor 1 Tahun 1946 tentang Peraturan Hukum Pidana.
 Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana.
 Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (KUHP).
 Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE).

Book

- Kristiawanto, Dr. S.H.I., M.H. Memahami Penelitian Hukum Normatif. Jakarta: Prenada, 2022, 24

Journals

- Affan, Vanda, dan Yusuf Saefudin. "Tinjauan Kriminologis Terhadap Influencer yang Mengiklankan Judi Online (Studi Putusan Nomor: 871/Pid.Sus/2022/PN Tjk)." *Amerta: Jurnal Ilmu Sosial dan Humaniora* 3, no. 1 (2023): 17.
- Jadidah, Ines Tasya, Utami Milyarta Lestari, Keysha Alea Smanah Fatih, Roja Riyani, Neli, dan Cherrysa Ariesty Wulandari. "Analisis Maraknya Judi Online di Masyarakat." *Jurnal Ilmu Sosial dan Budaya Indonesia* 1, no. 1 (2023): 22.
- Nono, Ignasius Yosanda, Anak Agung Sagung Laksmi Dewi, dan I Putu Gede Seputra. "Penegakan Hukum Terhadap Selebgram yang Mempromosikan Situs Judi Online." *Jurnal Analogi Hukum* 3, no. 2 (2021): 236.
- Sachio, Billy, dan Noor Saptanti. "Pertanggungjawaban Hukum Influencer Judi Online Terhadap Masyarakat Yang Rugi Ditinjau Dari Hukum Perdata." *Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 3 (2024): 173.
- Supardi, Dian Sudiantini, dan Kudsil Holil. "Peningkatan Kesadaran dan Pengetahuan tentang Bahaya Judi Online pada Generasi Muda di Kota Bandung melalui Pendidikan Literasi Digital." *Jurnal Ilmu Pendidikan* 1, no. 2 (2024).
- Rahman Amin dan Muhammad Fikri Al Aziz, "Penguatan Komisi Kepolisian Nasional Dalam Pengawasan Penyidikan Tindak Pidana Oleh Polri, *Jurnal KRTHA BHAYANGKARA* 17, No. 1, (2023): 3

Thesis

- Desriwati, Sari. "Pertanggungjawaban Pidana Terhadap Pelaku Promosi Judi Online Yang Dilakukan Melalui Media Sosial Ditinjau Dari Perspektif Pidana." Skripsi, Universitas Putera Batam, Batam, 2023, hlm 24.
- Kenan, Mufti Riyab. "Analisis Yuridis Promosi Judi Online Melalui Media Sosial (Putusan Nomor 628/PID.B/2023/PN SMN)." Skripsi, Universitas Islam Negeri Sunan Kalijaga, Yogyakarta, 2024, hlm 4-6.
- Wardana, Dharma. "Fair Trial Dalam Proses Peradilan Pidana di Indonesia." Tesis, Universitas Islam Indonesia, Yogyakarta, 2017, hlm 57-62.

Internet

- Abdurrahman, Sultan. "Kapolri Listyo Sigit Prabowo Tunjuk Gunawan Sadbor Jadi Duta Anti-Judi Online." *Tempo*. Diakses melalui <https://www.tempo.co/hukum/kapolri-listyo-sigit-prabowo-tunjuk-gunawan-sadbtor-jadi-duta-anti-judi-online-1166681>
- Aprilia, Zefanya. "5 Tahun Terakhir Transaksi Judi Online Warga RI Melonjak 8.136,77%!" *CNBC Indonesia*. Diakses 6 Mei 2024. <https://www.cnbcindonesia.com/market/20240506193944-17-536198/5-tahun-terakhir-transaksi-judi-online-warga-ri-melonjak-813677>
- CNN Indonesia. "Ditangkap Polisi Gunawan Sadbor Bantah Promosi Judi Online." Diakses melalui <https://cnnindonesia.me/nasional/20241101154810-12-1162040/ditangkap-polisi-gunawan-sadbtor-bantah-promosi-judi-online>
- CNN Indonesia. "Penahanan Gunawan Sadbor Ditangguhkan Berawal dari Permintaan Keluarga." Diakses melalui <https://www.cnnindonesia.com/nasional/20241111113146-12-1165198/penahanan-gunawan-sadbtor-ditangguhkan-berawal-dari-permintaan-keluarga>
- Febrian, Dennis, dan Ilyas Supendi. "Fakta-fakta Kasus Gunawan Sadbor Sukabumi yang Dibui Gegara Promosi Judi Online." *Sukabumi Update*. Diakses melalui <https://www.sukabumiupdate.com/sukabumi/149352/fakta-fakta-kasus-promosi-judi-online-yang-buat-gunawan-joget-sadbtor-sukabumi-dibui>
- Helmi, Isnaya. "Polisi Tangguhkan Penahanan Gunawan Sadbor di Kasus Promosi Judi Online." *Kompas TV*. Diakses melalui <https://www.kompas.tv/nasional/552413/polisi-tangguhkan-penahanan-gunawan-sadbtor-di-kasus-promosi-judi-online>
- Hutahaean, Budianto. "Ini Peran Gunawan Sadbor di Kasus Promosi Situs Judi Online, Ternyata." *JPNN.com*. Diakses melalui <https://www.jpnn.com/news/ini-peran-gunawan-sadbtor-di-kasus-promosi-situs-judi-online-ternyata>
- Kharisma, Wahyu Nurindah. "Optimalisasi Peran Pemerintah dan Masyarakat dalam Pemberantasan Kasus Judi Online di Era Digitalisasi." Diakses melalui <https://law.uii.ac.id/blog/2024/09/05/optimalisasi-peran-pemerintah-dan-masyarakat-dalam-pemberantasan-kasus-judi-online-di-era-digitalisasi/>
- Puspadini, Mentari. "Alert! Ada 3,5 Juta Pemain Judi Online di RI, 80% Kelas Menengah Bawah." *CNBC Indonesia*. Diakses 17 Juni 2024. <https://www.cnbcindonesia.com/tech/20240617204841-37-547171/alert-ada-35-juta-pemain-judi-online-di-ri-80-kelas-menengah-bawah>
- Raharjo, Dwi Bowo. "Soroti Kasus Gunawan Sadbor, Anggota Komisi III DPR Minta Aparat Tindak Juga Artis yang Promosikan Judol." *Suara.com*, 8 November 2024, hlm. 1. Diakses melalui <https://www.suara.com/news/2024/11/08/155459/soroti-kasus-gunawan-sadbtor-anggota-komisi-iii-dpr-minta-aparat-tindak-juga-artis-yang-promosikan-judol>
- Rahmawati, Fatimah. "Tempuh Tiga Langkah, Kominfo Terus Tangani Situs Judi Online." *Ditjen Aptika*, 21 Oktober 2023, hlm 1. Diakses melalui <https://aptika.kominfo.go.id/2023/10/tempuh-tiga-langkah-kominfo-terus-tangani-situs-judi-online/>

Wahyuni, Willa. "Objek Penelitian Hukum Normatif untuk Tugas Akhir." Hukum Online. Diakses melalui <https://www.hukumonline.com/berita/a/objek-penelitian-hukum-normatif-untuk-tugas-akhir-lt63a46376c6f72/>