

## Women and Children as Victims of Financial-based Violence in Online Gambling Circles: A Criminological Approach to Criminal Law and Rehabilitation Policy in Indonesia

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**Abstract:** Online gambling in Indonesia increasingly exposes women and children to financial-based violence, making them vulnerable groups. Despite the rise in online gambling, current legal policies and rehabilitation programs have failed to fully address its harmful social effects. This study analyzes the criminogenic factors that contribute to victimization among women and children and evaluates the effectiveness of criminal law policies and rehabilitation programs in safeguarding them. Through a normative legal research method, utilizing legislative analysis, criminology, and case studies, the findings reveal that existing policies are inadequate and overlook the complexity of financial violence in this context. Rehabilitation programs also tend to be less effective, focusing primarily on legal and therapeutic approaches while neglecting broader social, economic, and cultural influences. This research proposes a more comprehensive and rehabilitative policy framework that not only seeks to punish offenders but also prioritizes prevention, reducing violence recurrence, and enhancing social reintegration for victims.

**Keywords:** criminal law policy; criminology; legal protection; online gambling; rehabilitation programs; women and children

**Abstrak:** Perjudian online di Indonesia semakin membuat perempuan dan anak-anak terpapar pada kekerasan berbasis finansial, menjadikan mereka kelompok yang rentan. Terlepas dari meningkatnya perjudian online, kebijakan hukum dan program rehabilitasi yang ada saat ini belum sepenuhnya mampu mengatasi dampak sosial yang berbahaya. Penelitian ini menganalisis faktor-faktor kriminogenik yang berkontribusi terhadap viktimisasi di kalangan perempuan dan anak-anak serta mengevaluasi efektivitas kebijakan hukum pidana dan program rehabilitasi dalam melindungi mereka. Melalui metode penelitian hukum normatif, dengan menggunakan analisis legislatif, kriminologi, dan studi kasus, temuan penelitian ini menunjukkan bahwa kebijakan yang ada tidak memadai dan mengabaikan kompleksitas kekerasan finansial dalam konteks ini. Program rehabilitasi juga cenderung kurang efektif, dengan fokus utama pada pendekatan hukum dan terapi sementara mengabaikan pengaruh sosial, ekonomi, dan budaya yang lebih luas. Penelitian ini mengusulkan kerangka kebijakan yang lebih kom-

prehensif dan rehabilitatif yang tidak hanya bertujuan untuk menghukum pelaku tetapi juga memprioritaskan pencegahan, mengurangi pengulangan kekerasan, dan meningkatkan reintegrasi sosial bagi para korban.

**Kata Kunci:** kebijakan hukum pidana; kriminologi; perlindungan hukum; judi online; program rehabilitasi; perempuan dan anak

## A. Introduction

In recent years, online gambling has experienced rapid development in Indonesia along with increasing internet accessibility and the use of digital devices such as smartphones and computers.<sup>1</sup> Online gambling, which was once a hidden activity, can now be easily accessed by various levels of society, including women and children.<sup>2</sup> Although online gambling is often seen as a form of entertainment or a quick way to make money, its damaging effects cannot be ignored.<sup>3</sup> Behind the ease of access and promises of instant profits, lies a bitter reality that traps many individuals, especially women and children, in a cycle of addiction and crime.<sup>4</sup>

Women often become victims in the evil circle of online gambling, not only as participants, but also as perpetrators of crimes who are forced to do so.<sup>5</sup> Many cases show that women, especially those in unequal relationships, are forced or threatened by their partners to commit crimes in order to finance their partner's online gambling activities.<sup>6</sup> A real example of this situation can

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<sup>1</sup> Alya Miftahul Jannah, Muhammad Osmar Zaidan al Wafi, and Sibiyana Aliyan, 'Perilaku Judi Online pada Masyarakat Beragama di Indonesia', *Islamic Education* 1, no. 3 (2023): 43, <https://maryamsejahtera.com/index.php/Education/article/view/577>.

<sup>2</sup> Selvi Marsela et al., 'Teori Etika Utilitarianisme dan Penjudi dalam Persoalan Judi Online di Indonesia', *Das Sollen: Jurnal Kajian Kontemporer Hukum dan Masyarakat* 1, no. 2 (2023): 11, <https://journal.forikami.com/index.php/dassollen/article/view/395>.

<sup>3</sup> Safira Mustaqilla et al., 'Analisis Maraknya Warga Miskin yang Kecanduan Judi Online di Indonesia', *Glossary: Jurnal Ekonomi Syariah* 1, no. 2 (2023): 14.

<sup>4</sup> Sri Setiawati and Sumartini Dewi, 'Urgensi Pengaturan secara Khusus Judi Online di Indonesia', *Jurnal Pro Hukum: Jurnal Penelitian Bidang Hukum Universitas Gresik* 12, no. 1 (2023): 11, <https://journal.unigres.ac.id/index.php/JurnalProHukum/article/view/2482>.

<sup>5</sup> Imelda Sonia Rumbay, Fransiscus X. Tangkudung, and Debby Telly Antow, 'Tinjauan Yuridis terhadap Lemahnya Penanganan Tindak Pidana Judi Online', *Lex Privatum* 11, no. 5 (2023), <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/49207>.

<sup>6</sup> Guntur Irawan and Amri Ramadhan, 'Strategi Badan Siber dan Sandi Negara dalam Mengatasi Permasalahan Judi Online berdasarkan Perspektif Cyber Crime di Indonesia', *Social Issues Quarterly* 1, no. 4 (2023): 34, <https://ejournal.umrah.ac.id/index.php/siq/article/view/118/>.

be seen in a case in Gorontalo, where a female student was arrested for embezzling 11 laptops belonging to her friends to finance her boyfriend's online gambling.<sup>7</sup> This case exposes the imbalanced power dynamics in relationships, where women are forced to break the law due to pressure or threats from their male partners. This phenomenon shows that the impact of online gambling is not only individual, but also affects social dynamics and interpersonal relationships, where women are often in a very vulnerable position.

In addition, the online gambling phenomenon also affects children, who should be protected from various forms of illegal and destructive activities.<sup>8</sup> A recent report shows that thousands of children in Indonesia are involved in online gambling with total transactions reaching billions of rupiah. This phenomenon shows a big gap in parental supervision, government regulations, and an education system that fails to provide sufficient understanding of the dangers of online gambling.<sup>9</sup> Children involved in online gambling face a variety of risks, ranging from academic problems, mental and emotional disorders, to addiction that can have long-term impacts. More worryingly, children's involvement in online gambling activities also increases their risk of being involved in other criminal activities in the future, creating a cycle of crime that is difficult to break.<sup>10</sup>

Sociologically, online gambling has a wide and complex impact on women and children, given that they are often in vulnerable positions in social and family structures. Women, especially those who play the role of mothers and household financial managers, are often the main victims when their partners

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<sup>7</sup> Gema Sulawesai, 'Miris! Mahasiswi di Kota Gorontalo Ini Gelapkan 11 Laptop Milik Teman-teman Kuliahnya demi untuk Biayai Mantan Pacar, Begini Kronologinya', *Berita Satu*, 25 July 2024, <https://www.beritasatu.com/network/gemasulawesi/238344/miris-mahasiswi-di-kota-gorontalo-ini-gelapkan-11-laptop-milik-teman-teman-kuliahnya-demi-untuk-biayai-mantan-pacar-begini-kronologinya>.

<sup>8</sup> Glan Pratama Adiaksa, 'Sanksi Hukum terhadap Afiliator Judi Online di Indonesia', [Undergraduate Thesis], (Universitas Terbuka, 2023), 23, <http://student-repository.ut.ac.id/id/eprint/1113>.

<sup>9</sup> Leif Axxel Hans Greato, 'Penerapan Sanksi Pidana terhadap Pelaku Tindak Pidana Judi Online di Indonesia (Analisis Putusan Nomor 1240/Pid.Sus/2022/Pn.Tng Jo Putusan Nomor 117/Pid.Sus/2022/Pt.Btn Jo Putusan Nomor 2029 k/Pid.Sus/2023)', [Undergraduate Thesis] (Universitas Pelita Harapan, Tangerang, 2023), 11.

<sup>10</sup> Nabilah Muhammad, 'Tren Judi Online di Indonesia Terus Meningkat, Nilainya Tembus Rp100 T pada 2022', *Katadata Media Network*, 27 September 2023, 22, <https://databoks.katadata.co.id/datapublish/2023/09/27/tren-judi-online-di-indonesia-terus-meningkat-nilainya-tembus-rp100-t-pada-2022>.

are involved in online gambling.<sup>11</sup> Online gambling addiction can lead to a drain on a family's financial resources, resulting in a lack of funds for basic needs such as food, education, and health. This creates significant psychological stress for women, who may have to deal with the double burden of managing household needs while finding solutions to financial problems caused by online gambling.

In addition to financial pressure, women also often experience gender-based violence due to online gambling addiction by male family members. This violence can be physical, emotional, and psychological, which is exacerbated by their financial dependence on the perpetrators of violence. In many cases, women do not have access to adequate resources or support to report this violence or seek legal help, due to social stigma and cultural norms that tend to blame the victim rather than the perpetrator.<sup>12</sup>

Children are also significantly negatively impacted by online gambling. When family financial resources are drained to fund gambling habits, children may experience malnutrition, inadequate education, and unstable living conditions.<sup>13</sup> This instability can cause stress and psychological trauma in children, which can affect their emotional and academic development. Additionally, children who grow up in an environment where online gambling is the norm may internalize the behavior as acceptable, increasing their risk of developing gambling habits in the future.

Further social impacts of online gambling include family disintegration, where ongoing conflict and financial instability can lead to divorce or separation. When families are broken up, women and children often face additional challenges in terms of housing, emotional support and stability. Involvement in online gambling can also enmesh individuals in wider criminal networks, which can increase the risk of exploitation and violence for the entire family.<sup>14</sup>

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<sup>11</sup> Mustaqilla et al., 'Analisis Maraknya Warga Miskin yang Kecanduan Judi Online di Indonesia'.

<sup>12</sup> Ramdani Budiman et al., 'The Impact of Online Gambling Among Indonesian Teens and Technology', *IATIC Transactions on Sustainable Digital Innovation (ITSDI)* 3, no. 2 (2022): 162–67, <https://doi.org/10.34306/itsdi.v3i2.559>.

<sup>13</sup> Rizqi Kurniadi Nurdin, Qasim Arsadani, and Fitriyani Fitriyani, 'Penegakan Hukum Pidana terhadap Pelaku Judi Online di Indonesia', *Jarimah: Islamic Criminal Law Journal* 1, no. 1 (2023): 19, <https://journal.uinjkt.ac.id/index.php/jarimah/article/view/31240>.

<sup>14</sup> Nur Khabibatus Sa'diyah, Ifahdah Pratama Hapsari, and Hardian Iskandar, 'Pertanggungjawaban Pidana terhadap Pelaku Judi Online di Indonesia', *Gorontalo Law Review* 5, no. 1 (2022): 79, <https://jurnal.unigo.ac.id/index.php/golrev/article/view/2085>.

Overall, the sociological impact of online gambling on women and children is profound and touches various aspects of their lives, from economics, health, to psychological well-being.<sup>15</sup> To address this problem, a holistic approach is needed, including stricter policies in regulating online gambling, increasing public awareness of its impacts, and providing adequate support for victims to recover and rebuild their lives.

The state has an urgent responsibility to protect women and children as vulnerable groups affected by online gambling, by utilizing the principles of Pancasila and the provisions of the 1945 Constitution as a legal and moral basis. Pancasila, as the foundation of the Indonesian state, emphasizes the importance of humanitarian values, social justice, and people's welfare. The second principle, "Just and Civilized Humanity," requires the state to recognize and respect the human rights of every citizen, including the protection of women and children from all forms of violence and exploitation. Meanwhile, the fifth principle, "Social Justice for All Indonesian People," emphasizes the need for equal welfare and justice for all levels of society, including vulnerable groups who are often marginalized in social and economic dynamics.

In the context of the 1945 Constitution, Article 28B paragraph (2) explicitly states that "Every child has the right to survive, grow and develop and has the right to protection from violence and discrimination." This article affirms the state's commitment to ensuring that children receive maximum protection from all forms of threats that can damage their future. In addition, Article 28D paragraph (1) states that "Everyone has the right to recognition, guarantees, protection and certainty of fair law and equal treatment before the law." This means that women, as part of society, must also receive equal legal protection from financial violence arising from online gambling.

Furthermore, Article 27 paragraph (2) of the 1945 Constitution of Republic of Indonesia states that "Every citizen has the right to work and a decent living for humanity." Online gambling often destroys decent livelihoods, resulting in economic and social instability that directly impacts the quality of life of women and children. States, therefore, have an obligation to create an

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<sup>15</sup> Annisa Gista Elfaza, 'Perusahaan Judi Online sebagai Sponsor Klub Sepak Bola Profesional di Indonesia Ditinjau dari Aspek Hukum Pidana', *Jurist-Diction* 4, no. 6 (2021): 26, <https://doi.org/10.20473/jd.v4i6.31842>.

environment that supports the economic and social well-being of all their citizens, including by eradicating harmful online gambling practices.<sup>16</sup>

In an effort to protect this vulnerable group, the state must implement a firm and comprehensive policy. This includes strict law enforcement against online gambling perpetrators and those who take advantage of the situation to exploit women and children. In addition, rehabilitation and social support programs must be strengthened to help victims recover from the negative impacts of online gambling.<sup>17</sup> Education and awareness campaigns are also very important to change public views about online gambling and increase understanding of its risks and consequences.<sup>18</sup>

Through the implementation of the values of Pancasila and the provisions of the 1945 Constitution, the state not only strengthens legal protection for women and children, but also realizes the ideals of social justice and just and civilized humanity.<sup>19</sup> Thus, protection of these two vulnerable groups is not only a legal obligation, but also a moral responsibility that must be fulfilled to build a more just and prosperous society.

Legal provisions protecting women and children from online gambling and financial violence in Indonesia include various provisions in the law, including Law No. 23 of 2004 concerning the Elimination of Domestic Violence (*Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga - UU PKDRT*), Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, and Law No. 11 of 2008 concerning Electronic Information and Transactions (*Undang-Undang Informasi dan Transaksi Elektronik - UU ITE*). The Domestic Violence Law recognizes various forms of domestic violence, including

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<sup>16</sup> Hernanda Ramdhani, Muhammad Fauzi, and Alexandro Martin Tiga, 'Otoritas Negara dalam Penegakan Hukum terhadap Pemberantasan Situs Judi Online di Indonesia', *Lex Suprema* 2, no. 2 (2020): 34, <https://jurnal.law.uniba-bpn.ac.id/index.php/lexsuprema/article/view/387>.

<sup>17</sup> Alvan Rahfiansyah Lubis, 'Victimology Review of Online Gambling Perpetrators in the Perspective of Indonesian Criminal Law', *Arkus* 8, no. 2 (2022): 236, <https://doi.org/10.37275/arkus.v8i2.182>.

<sup>18</sup> Seviana Ratna Intan, 'Legal Responsibility for the Perpetrators of Online Gambling Crimes in Indonesia', *Proceedings Series on Social Sciences & Humanities* 14 (2023), <https://conferenceproceedings.ump.ac.id/pssh/article/view/1077>.

<sup>19</sup> Dyama Khazim Setyadi, 'Analysis of the Impact of Public Issue "Consortium 303" on Public Interest in Online Slot Gambling in Indonesia', *Mediasi: Jurnal Kajian dan Terapan Media, Bahasa, Komunikasi* 4, no. 1 (2023): 29, <https://upgradeojs.rifqisyams.id/index.php/mediasi/article/view/659>.

economic violence, which provides a legal basis for women to claim their rights. The Child Protection Law stipulates that every child has the right to protection from violence and exploitation, including those related to the impacts of online gambling. Meanwhile, the EIT Law regulates the prohibition and sanctions against online gambling as a form of cybercrime.<sup>20</sup>

However, these regulations still have many legal weaknesses that need to be fixed. One of the main weaknesses is the lack of effective law enforcement and coordination between law enforcement agencies. Many cases of financial violence and exploitation related to online gambling are not handled seriously, so that perpetrators often do not receive appropriate punishment.<sup>21</sup> In addition, the definition of financial violence in the Domestic Violence Law is still limited and less specific, making it difficult for victims to prove and obtain adequate legal protection. On the other hand, although the EIT Law already regulates the prohibition of online gambling, its enforcement is often hampered by technical and legal obstacles, including issues of jurisdiction and identification of perpetrators operating abroad.<sup>22</sup>

Another weakness lies in the lack of access and support for victims to report and get help. Many women and children are unaware of their rights or are afraid to report because of social stigma and threats from perpetrators.<sup>23</sup> Therefore, although existing regulations provide a legal basis to protect women and children from online gambling and financial violence, increased efforts are still needed in law enforcement, public education, and the provision of comprehensive support services so that this protection can be realized effectively.

Given the complexity of this problem, serious attention from various parties is needed. The government needs to evaluate and tighten criminal law policies related to online gambling to ensure that women and children involved

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<sup>20</sup> Adhi Prasetyo Utomo and Muhammad Fatahillah Akbar, 'Loot Box System in Online Video Games as Gambling Based on Indonesia Criminal Law', [*Undergraduate Thesis*] (Universitas Gadjah Mada, 2021), 35.

<sup>21</sup> Iqbal Kamalludin et al, 'Criminal Law Treats for Online Gambling Performers: Investment Fraud Modes', *Dialogia Iuridica* 14, no. 1 (2022): 23, <https://doi.org/10.28932/di.v14i1.5252>.

<sup>22</sup> Ramdhani, Fauzi, and Tiga, 'Otoritas Negara dalam Penegakan Hukum terhadap Pemberantasan Situs Judi Online di Indonesia'.

<sup>23</sup> Kristiana Siste Kurniasanti et al, 'Internet Addiction: A New Addiction?', *Medical Journal of Indonesia* 28, no. 1 (2019): 82-91, <https://doi.org/10.13181/mji.v28i1.2752>.

in this activity, especially those under coercion or threat, receive adequate protection. Existing policies must be able to identify and address the factors that drive women and children into the online gambling circle, as well as provide comprehensive solutions for prevention and rehabilitation.

Several studies have found that the handling of child and female perpetrators and victims involved in online gambling has so far been conventional, with an approach that focuses more on legal intervention and individual rehabilitation without considering the social, cultural and economic contexts that influence their behavior. Many online gambling problem treatment programs use intervention models limited to cognitive-behavioral therapy (CBT), as described by Gainsbury et al.<sup>24</sup>, but this approach is not always effective enough in addressing deeper root causes, such as family problems or socio-economic pressures. McCormick et al.<sup>25</sup> found that gender differences significantly influence motivation and risk for gambling addiction, with men gambling for thrills and women to cope with stress, suggesting the need for rehabilitation programs that are more sensitive to these differences. Besides that, Wardle et al.<sup>26</sup> emphasizes that many conventional approaches to online gambling, especially those involving children and women, often neglect the prevention aspects involving families and communities. Given these limitations, researchers and practitioners suggest the need for a more comprehensive approach, encompassing medical, legal, educational, community policy-strengthening interventions, as well as family- and gender-based approaches to create a supportive environment for recovery and social reintegration.

In addition, effective rehabilitation programs should be developed to help victims get out of the cycle of online gambling addiction. These programs should include the psychological, social, and economic support needed to

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<sup>24</sup> Sally M Gainsbury et al, 'An Exploratory Study of Interrelationships Between Social Casino Gaming, Gambling, and Problem Gambling', *International Journal of Mental Health and Addiction* 13, no. 1 (2015): 171, <https://doi.org/10.1007/s11469-014-9526-x>.

<sup>25</sup> Jessica McCormick, Paul Delfabbro, and Linley A Denson, 'Psychological Vulnerability and Problem Gambling: An Application of Durand Jacobs' General Theory of Addictions to Electronic Gaming Machine Playing in Australia', *Journal of Gambling Studies* 28, no. 4 (2012): 41, <https://doi.org/10.1007/s10899-011-9281-x>.

<sup>26</sup> Heather Wardle et al, *Measuring Gambling-related Harms: A Framework for Action* (Birmingham: Gambling Commission, 2018), 47.



restore their lives. Rehabilitation should not only focus on medical or psychological aspects, but should also consider social and economic aspects, so that victims can truly recover and not fall back into the same activities.

This study aims to evaluate existing criminal law policies and assess the effectiveness of rehabilitation programs in addressing online gambling problems among women and children. By understanding the weaknesses and strengths of existing policies and programs, this study hopes to provide better and more effective recommendations for addressing this problem in the future. A comprehensive and coordinated approach from the government, educational institutions, and the wider community is needed to protect women and children from the dangers of online gambling, and ensure that those who are caught up in this activity get the help they need to recover and return to a healthy and productive life.

## **B. Method**

The normative legal research method<sup>27</sup> is a very appropriate approach to use in the study of legal protection for women and children from online gambling and financial violence. This method focuses on the analysis of laws and regulations, legal doctrines, legal principles, and court decisions to understand and interpret applicable laws. In this context, the normative legal research method allows researchers to explore and evaluate various relevant legal provisions, such as Law No. 23 of 2004 concerning the Elimination of Domestic Violence (*UU PKDRT*), Law No. 35 of 2014 concerning Child Protection, and Law No. 11 of 2008 concerning Electronic Information and Transactions (*UU ITE*).

The approach used in the normative legal research method includes several important stages. First, the statute approach, which involves an in-depth analysis of the applicable statutory text to identify provisions governing the protection of women and children from financial violence and online gambling. In this stage, researchers will examine the historical background, objectives, and legal interpretations of these regulations. Second, the conceptual approach aims to examine the legal concepts underlying this legal protection,

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<sup>27</sup> Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris* (Yogyakarta: Pustaka Pelajar, 2010), 32.

such as the definition of financial violence, the rights of women and children, and the principles of justice and welfare. This approach helps researchers understand the theoretical and philosophical foundations of existing legal regulations, as well as identify conceptual gaps or weaknesses that may affect the effectiveness of legal protection. Third, the case approach, in which researchers analyze relevant court decisions to see how the law is applied in practice. This approach is important for identifying patterns in law enforcement, obstacles faced in the litigation process, and judicial interpretations that may affect the protection of women and children. Analysis of court decisions also helps to assess the consistency and effectiveness of the justice system in handling cases of financial violence and online gambling.

### **C. Results and Discussion**

#### **Anatomy of Financial Abuse: The Suffocating Trap of Online Gambling**

Existing criminal law policies and rehabilitation programs in Indonesia are still ineffective in protecting women and children from the negative impacts of online gambling, especially financial-based violence. Although there are several regulations that regulate protection for this vulnerable group, in reality, law enforcement is often weak and rehabilitation programs tend not to consider the social, economic, and cultural factors that influence victim behavior. There needs to be a more holistic approach in dealing with this problem, which does not only focus on punishment for perpetrators but also on comprehensive prevention and recovery for victims, to ensure better social reintegration.

In the context of online gambling, financial violence against women and children can be analyzed as a complex and multifaceted phenomenon, the impacts of which include various forms of fraud, extortion, embezzlement of family funds, as well as damaging psychological and social consequences.<sup>28</sup> Fraud is a common form of financial abuse in online gambling, where perpetrators manipulate or abuse the trust of women and children to obtain money through illegal means. For example, perpetrators may promise large profits or quick wins in gambling, but in reality, only use the victim to make

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<sup>28</sup> Samantha Thomas et al., 'Protecting Children and Young People from Contemporary Marketing for Gambling', *Health Promotion International* 38, no. 2 (2023): 24, <https://doi.org/10.1093/heapro/daac194>.

money with no intention of fulfilling the promise. Blackmail is also common, where perpetrators pressure victims to give money by threatening to reveal personal or intimate information, leaving women and children feeling trapped and with no choice but to hand over the money they have.<sup>29</sup>

Embezzlement of family funds is another form of damaging financial abuse, where online gamblers use family financial resources covertly to fund their gambling habits. This often involves diverting funds from family savings or taking out loans in the names of family members, which can lead to serious financial crises in the household. The psychological consequences of this financial abuse are devastating, with victims often experiencing prolonged stress, anxiety and depression due to the financial pressures and instability caused by online gambling. Ongoing economic uncertainty and family conflict can worsen the mental health of women and children, disrupting their emotional well-being and hindering healthy psychological development.

Socially, the impact of financial abuse extends to the breakdown of family structures and social dynamics. Women who are victims often face social stigma, which worsens their situation by adding to the shame and isolation. Children who grow up in environments affected by financial abuse due to online gambling can experience a reduced quality of life, including lack of access to education and health, and instability that affects their social and emotional development. Therefore, a deeper understanding of the different types of financial abuse is essential to formulating more effective policies and developing rehabilitation strategies that can help victims recover from the devastating impacts of online gambling.<sup>30</sup>

The criminogenic factors that lead children and women to fall into online gambling are very complex and diverse, including psychological, social,

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<sup>29</sup> Sijia Xiao, Shagun Jhaver, and Niloufar Salehi, 'Addressing Interpersonal Harm in Online Gaming Communities: The Opportunities and Challenges for a Restorative Justice Approach', *ACM Transactions on Computer-Human Interaction* 30, no. 6 (2023): 1–36, <https://doi.org/10.1145/3603625>; Alison Liebling, Shadd Maruna, and Lesley McAra, *The Oxford Handbook of Criminology* (Oxford: Oxford University Press, 2023).

<sup>30</sup> Areena Parveen Ansar, 'A Critique on Cybercrimes Concerning Online Games and Content: Need for Comprehensive Legal Framework in India', *Res Militaris* 13, no. 3 (2023): 29, <https://resmilitaris.net/issue-content/a-critique-on-cybercrimes-concerning-online-games-and-content-need-for-comprehensive-legal-framework-in-india-1286>; T. Markus Funk, 'Rethinking Culpability and Wronging (In the Criminal Law - and Everyday Life)', *SSRN Electronic Journal*, 2023, 19, <https://doi.org/10.2139/ssrn.4552101>.

economic and technological aspects. One of the main factors is easy and widespread access to the internet and digital devices. In this digital era, almost every household has access to the internet and devices such as smartphones or computers. This ease of access allows children and women to easily find and access online gambling sites. In addition, aggressive and attractive gambling advertisements on various social media and internet platforms often do not have adequate filters to protect this vulnerable group from exposure to gambling content.

Economic pressures also play a significant role in driving children and women to engage in online gambling. For many families, difficult economic conditions drive them to look for quick ways to earn money, and online gambling is often seen as an instant solution. Women, especially housewives, may feel pressured to provide for their families and are tempted by the promises of big wins offered by online gambling platforms. Meanwhile, children who are struggling financially or want to help their parents may also see online gambling as a way to earn money quickly.<sup>31</sup>

In addition to economic pressures, psychological factors such as stress, depression, and loneliness can drive someone to seek escape through online gambling. Women who are facing domestic violence or who are experiencing emotional distress may use gambling as a form of escapism from the realities they face. Likewise, children who are experiencing academic or social pressures, or who feel neglected by family or friends, may seek entertainment and diversion through online gambling.<sup>32</sup>

From a social perspective, the environment and relationships also have a big influence. Children who grow up in an environment where gambling is considered normal or where parents or relatives are involved in gambling are more likely to imitate the behavior. Women who are in relationships where their partners gamble may also feel pushed or forced to gamble. In addition, cultural factors in some areas of Indonesia may view gambling as part of a tradition or

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<sup>31</sup> Pamela J. Schram and Stephen G. Tibbetts, *Introduction to Criminology: Why Do They Do It?* (Washington DC.: SAGE Publications, Inc., 2023), 15.

<sup>32</sup> Sana Ali, Hiba Abou Haykal, and Enaam Youssef Mohammed Youssef, 'Child Sexual Abuse and the Internet—A Systematic Review', *Human Arenas* 6, no. 2 (2023): 24, <https://doi.org/10.1007/s42087-021-00228-9>.

acceptable social activity, which in turn influences women's and children's perceptions and participation in gambling.<sup>33</sup>

The role of technology in facilitating online gambling cannot be ignored either. Online gambling platforms are often designed to be highly engaging and addictive, using algorithms that keep users coming back to gamble. Features such as sign-up bonuses, free bets, and the chance to win big prizes can entice users and encourage them to continue gambling. For children, gamification elements and attractive graphics make online gambling seem like a regular game, making it difficult for them to understand the risks and consequences of their actions.<sup>34</sup>

Children and women involved in online gambling or other criminal activities to provide money to online gamblers must be positioned as victims and receive legal protection because they are often in situations that are coercive and beyond their control. This condition can be caused by various factors, including economic, psychological, social, and family pressures that make them vulnerable to exploitation and manipulation by online gamblers. Women, especially those in unhealthy relationships or experiencing domestic violence, are often forced or intimidated by their partners to earn money through illegal or risky means, such as online gambling. Children, who do not yet have a full understanding of the legal and moral consequences of their actions, can be manipulated by adults who know better and are often encouraged to commit crimes in order to get money.

In a legal context, it is important to see these children and women as victims because they do not have the power or freedom to make truly independent decisions.<sup>35</sup> Pressure and threats from online gamblers or other individuals who exploit them can make them feel like they have no choice but to engage in illegal activities. Therefore, rather than being treated as criminals, they should be given legal protection and rehabilitation assistance to get out of

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<sup>33</sup> Rebecca Roiphe and Bruce A. Green, 'When Prosecutors Politick: Progressive Law Enforcers Then and Now', *Journal of Criminal Law and Criminology*, 2020, 89.

<sup>34</sup> Myriam S Denov, 'Wartime Sexual Violence: Assessing a Human Security Response to War-Affected Girls in Sierra Leone', *Security Dialogue* 37, no. 3 (2006): 319–42, <https://doi.org/10.1177/0967010606069178>.

<sup>35</sup> Deborah M. Ahrens, 'Retroactive Legality: Marijuana Convictions and Restorative Justice in an Era of Criminal Justice Reform', *The Journal of Criminal Law and Criminology*, no. 379 (2020): 9, <https://scholarlycommons.law.northwestern.edu/jclc/vol110/iss3/1>.

their difficult situation. Legal protection for children and women who are victims of online gambling exploitation should include efforts to eliminate the social stigma they face, provide access to counseling and psychological support services, and provide safe and non-judgmental legal channels to report perpetrators and get help.

In addition, laws on the protection of children and women must be strictly enforced to ensure that their rights are protected. Countries need to ensure that there is an effective system in place to track and punish those who exploit children and women in online gambling. This includes raising public awareness of the issue and providing prevention programs that teach children and women about the risks of online gambling and how to protect themselves. Thus, a holistic and victim-centered approach can help restore the rights and dignity of children and women who are victims of exploitation, as well as prevent them from becoming perpetrators of crimes in the future.

Taking all these factors into account, it is clear that the problem of online gambling among children and women is a multifaceted phenomenon and requires a comprehensive approach to its prevention and management. There needs to be stricter policies and better monitoring of internet access and gambling advertising, as well as educational programs and psychological interventions to help this vulnerable group understand the risks of gambling and develop healthier coping mechanisms.<sup>36</sup>

### **Victims in the Shadows: Psychological and Social Impact on Women and Children**

Online gambling, as a form of financial crime, not only leaves a material impact but also has profound and damaging psychological and social effects on women and children. In terms of mental health, the most striking impact that is often experienced is long-term psychological trauma. Women who are trapped in a cycle of financial violence due to online gambling often face anxiety, depression, and post-traumatic stress disorder (PTSD). The feeling of helplessness and loss of control over their financial situation can lead to sleep

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<sup>36</sup> Marie-Eve Sylvestre, Nicholas Blomley, and Céline Bellot, *Red Zones: Criminal Law and the Territorial Governance of Marginalized People* (Cambridge University Press, 2020), 26, <https://doi.org/10.1017/9781316875544>.

disturbances, inability to concentrate, and feelings of hopelessness and severe depression. For children, this trauma often manifests itself in the form of emotional instability, decreased academic performance, and behavioral problems ranging from uncontrolled anger to social isolation.<sup>37</sup>

Social stigma also plays a significant role in worsening the condition of victims. Women who experience financial violence often face negative views from society that consider them as weak or unable to manage family finances well.<sup>38</sup> This stigma can exacerbate feelings of shame and isolation, prevent victims from seeking support or help, and add to the psychological burden they experience. Children in this situation may also be the target of bullying or exclusion in their school or social circles, further adding to the emotional and social stress they experience.

In addition to the psychological impacts and social stigma, changes in family dynamics resulting from online gambling are often very damaging. Financial instability and conflict arising from one family member's involvement in online gambling often led to family breakdowns.<sup>39</sup> Frequent quarrels, emotional tensions, and even divorce can affect relationships between family members and create an unsupportive home environment. Women often have to shoulder the additional responsibilities of managing financial crises and maintaining the welfare of children, while children may have to deal with the consequences of household instability such as shifts in residence, changes in schools, and loss of emotional support from parents.

Overall, the psychological and social impacts of online gambling on women and children are extensive and damaging, creating a cycle of suffering that is difficult to break without effective intervention and adequate support. Understanding these impacts is key to designing rehabilitation policies and programs that can help victims restore their mental health, overcome social

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<sup>37</sup> Adam Crepelle, 'Tribal Courts, the Violence against Women Act, and Supplemental Jurisdiction: Expanding Tribal Court Jurisdiction to Improve Public Safety in Indian Country', *Montana Law Review* 81, no. 1 (2020): 34, <https://scholarworks.umt.edu/mlr/vol81/iss1/3/>.

<sup>38</sup> Alana Gunn and Gina Miranda Samuels, 'Promoting Recovery Identities Among Mothers with Histories of Addiction: Strategies of Family Engagement', *Family Process* 59, no. 1 (2020): 37, <https://doi.org/10.1111/famp.12413>.

<sup>39</sup> John Pratt and Michelle Miao, 'Risk, Populism, and Criminal Law', *New Criminal Law Review* 22, no. 4 (2019): 29, <https://doi.org/10.1525/nclr.2019.22.4.391>.

stigma, and repair family dynamics damaged by financial crimes related to online gambling.

### **Tracking the Trail of Crime: Patterns and Characteristics of Online Gamblers**

In the criminological analysis of online gambling perpetrators, it is important to understand their patterns and characteristics, as well as their motivations and modus operandi used to exploit women and children. The profile of online gambling perpetrators often shows that they are individuals with a tendency to exploit the vulnerabilities of others for personal financial gain. These perpetrators may come from a variety of backgrounds, but they generally have the ability to manipulate and influence their targets, using a variety of psychological techniques to attract and retain victims.<sup>40</sup>

The primary motivation of online gamblers is usually centered around the quick financial gain they gain from their illegal activities. They are often motivated by the desire to make money quickly and easily, without regard for the negative impacts on their victims. In many cases, perpetrators use various tricks and deceptions to attract women and children, such as offering large prizes or rewards that appear easy to obtain through gambling. They may also use seemingly legitimate approaches, such as attractively packaged and credible online gambling sites, to trick victims into gambling.

The modus operandi of perpetrators often involves highly sophisticated manipulation techniques. They may create the illusion of a big win or provide false information about the chances of success in gambling to lure victims. In addition, perpetrators often exploit victims' emotional vulnerabilities, such as the need for fast money or financial pressure, to trick them into continuing to invest in online gambling. In the family context, perpetrators may hide their gambling activity or cover up losses by secretly managing household finances, causing chaos and financial hardship for their partners and children.

Furthermore, online gamblers often operate within a wider criminal network, involving collaboration with other parties to facilitate and develop their illegal activities. This network can include gambling site operators, illegal

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<sup>40</sup> Dody Tri Purnawinata, 'Aspek Hukum Pidana dalam Perjudian secara Online', *Solusi* 19, no. 2 (2021): 29, <https://jurnal.unpal.ac.id/index.php/solusi/article/download/356/310>.



marketers, and even individuals involved in money laundering. In some cases, online gamblers are linked to organized crime syndicates that have international resources and networks, allowing them to run larger operations that are more difficult for law enforcement to track.<sup>41</sup>

These criminal networks not only amplify the negative impacts of online gambling but also create additional challenges for law enforcement and victim protection. Collaboration between online gamblers and these criminal networks often involves sophisticated technology, such as encryption and digital obfuscation techniques, which makes their detection and arrest even more difficult. Therefore, a deep understanding of the patterns and characteristics of perpetrators, as well as their relationships within the wider criminal network, is key to designing effective and in-depth law enforcement strategies to combat online gambling crimes and protect women and children from this detrimental exploitation.

#### **Legal Void: Legal Weaknesses in Protecting Victims of Financial Violence**

Legal weaknesses in protecting victims of financial violence, especially in the context of online gambling, reflect gaps and inadequacies in the existing legal system. One major weakness is the lack of a clear and comprehensive definition of what is meant by financial violence in the legislation. While Law No. 23 of 2004 concerning the Elimination of Domestic Violence (*UU PKDRT*) covers various forms of domestic violence, including economic violence, the definition and scope of financial violence are often too general or not detailed enough. This makes it difficult to apply the law consistently and effectively in specific cases involving online gambling.

In addition, inadequate law enforcement is also a significant problem. Although there are laws such as Law No. 11 of 2008 concerning Electronic Information and Transactions (*UU ITE*) that prohibit online gambling, the implementation of this law is often hampered by technical and jurisdictional constraints. Many online gamblers operate overseas or use technology that is difficult to track, making law enforcement efforts less effective. These

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<sup>41</sup> Yudha Chandra Arwana, 'Victims of Cyber Crimes in Indonesia: A Criminology and Victimology Perspective', *Semarang State University Undergraduate Law and Society Review* 2, no. 2 (2022): 190, <https://doi.org/10.15294/lsr.v2i2.53754>.

limitations in the legal framework often make it difficult for authorities to catch and punish perpetrators, as well as provide adequate protection for victims.<sup>42</sup>

Another weakness lies in the lack of adequate victim protection mechanisms and limited access for them to report and receive assistance. Many victims of financial abuse are unaware of their rights or feel hampered by social stigma and concerns about their privacy. Without adequate support systems, including easily accessible legal and psychological services, victims often feel trapped and unable to seek justice. In addition, unclear reporting and redress procedures also result in the inability of the legal system to provide timely and effective assistance.

The justice system also often faces challenges in terms of knowledge and understanding of the phenomenon of financial abuse related to online gambling. Lack of training and awareness among law enforcement, lawyers, and judges on how to handle cases of financial abuse involving online gambling hinders efforts to provide appropriate protection for victims. This can result in inappropriate decisions and a lack of justice for those affected.<sup>43</sup>

Addressing this legal gap requires comprehensive reform, including a clearer definition of financial violence, improved law enforcement, and the development of more effective victim protection and support mechanisms. Only by systematically and comprehensively addressing these legal weaknesses can better protect women and children who are victims of financial violence in the context of online gambling be ensured.

### **Dashed Hopes: Evaluation of Criminal Law Policy in Eradicating Online Gambling**

The ineffectiveness of criminal law policies in combating online gambling underscores a systemic crisis in law enforcement and public protection. Although there have been various regulations designed to combat online gambling, such as Law No. 11 of 2008 concerning Electronic Information and

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<sup>42</sup> Fadhilatul Husni, 'Kebebasan Berekspresi dan Hak Konstitusional Warga Negara Perspektif Siyâsah Dustûriyyah', *Ijtihad* 37, no. 1 (2021): 15, <https://journals.fasya.uinib.org/index.php/ijtihad/article/view/102>.

<sup>43</sup> Sonny Dewi Judiasih and Elycia Feronia Salim, 'Dampak Pandemi Covid-19 terhadap Perceraian yang Diajukan oleh Pihak Isteri di Indonesia', *Veritas et Justitia* 7, no. 2 (2021): 210, <https://journal.unpar.ac.id/index.php/veritas/article/view/4328>.

Transactions (*UU ITE*), and additional regulations relating to other criminal acts, the implementation and effectiveness of these policies are often far from expectations. One of the main problems is the shortcomings in the existing legal framework that make it difficult to deal with the complexity and dynamics of online gambling. For example, the definition and scope of online gambling in legal regulations often do not cover all forms of illegal practices that are rapidly developing, such as hidden gambling applications or platforms that use encryption technology to avoid detection.<sup>44</sup>

In addition, the ineffectiveness of criminal law policies is also caused by challenges in law enforcement. Online gambling often involves perpetrators who operate internationally or use sophisticated technology that is difficult to track. The use of overseas servers and sophisticated anonymity techniques make detection and arrest of perpetrators very complicated. Criminal networks involved in online gambling often have very sophisticated resources and strategies, allowing them to operate relatively safely from the law. Fragmented law enforcement and lack of international cooperation exacerbate this situation, hampering the ability of authorities to conduct effective law enforcement operations.

Another problem is the limited resources and training of law enforcement and related agencies. Many agencies lack the technical capacity and expertise needed to handle complex online gambling cases. The lack of specific training in identifying and investigating high-tech crimes makes law enforcement less effective. In addition, support for victims of online gambling is often limited, and many victims do not get the help they need because the legal system is unable to handle these cases quickly and efficiently.

The ineffectiveness of criminal law policies also reflects deficiencies in prevention and public education. Awareness programs about the dangers of online gambling and victims' rights are often inadequate, leaving many individuals unaware of the risks or unaware of how to report violations. Authorities often focus on reactive law enforcement after violations occur, rather than proactive prevention.

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<sup>44</sup> Abdurrahman Abdurrahman, 'Optimalisasi Penerapan Pidana Alternatif di Indonesia Sebagai Solusi Overcrowded pada Lembaga Pemasyarakatan', *Justitia: Jurnal Ilmu Hukum dan Humaniora* 8, no. 1 (2021): 23, <http://jurnal.um-tapsel.ac.id/index.php/Justitia/article/view/1922>.

To address this ineffectiveness, comprehensive reform of criminal law policy and law enforcement is needed. This includes reformulating laws to cover all forms of online gambling, strengthening international cooperation in law enforcement, increasing capacity and training for law enforcement officers, and developing more comprehensive prevention and education programs. Only with a more holistic and integrated approach can the hope of addressing online gambling and protecting the public, especially women and children, be realized.

### **Step Forward: Policy Recommendations for Victim Protection and Rehabilitation**

To address the problem of financial violence experienced by women and children due to online gambling, and to improve the effectiveness of victim protection and rehabilitation, comprehensive and integrated policy measures are needed. These recommendations include strengthening legislation, increasing public awareness, and developing more effective support and rehabilitation programs.

First, strengthening the law is a key step to address the existing legal gap. There is a need to revise and update the laws and regulations to clarify the definition of financial violence, including that related to online gambling.<sup>45</sup> This involves developing more specific definitions of online gambling practices and their impacts, and establishing stronger sanctions for violations. In addition, there is a need for improvements in law enforcement mechanisms, including the development of more sophisticated tools and techniques to track and identify online gamblers. International cooperation should also be strengthened to address online gambling involving players from different countries, and to ensure that existing laws are applied consistently at the global level.

Second, raising public awareness is essential to combat online gambling and protect victims. Educational programs and public awareness campaigns should be launched to educate the public about the dangers of online gambling and the rights of victims. This includes involving the mass media, educational institutions, and civil society organizations in outreach efforts. In addition, there needs to be specific training for professionals in mental health, education, and

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<sup>45</sup> Esther Madriz, *Nothing Bad Happens to Good Girls: Fear of Crime in Women's Lives* (Oakland: University of California Press, 1997), 21.

law so that they can recognize the signs of financial abuse and provide appropriate support to victims.

Third, developing effective support and rehabilitation programs for victims is an important aspect of improving policies. Support programs should include psychological and counseling services to help victims cope with the trauma and emotional impact of financial abuse. In addition, there should be provision of legal and financial assistance to assist victims in the litigation process and financial recovery. Rehabilitation programs should be designed to help victims restore their economic stability, including skills training, support in finding employment, and assistance in managing personal finances. Government agencies and non-governmental organizations should work together to provide a holistic and integrated support network<sup>46</sup>

In addition, the creation of a dedicated crisis center to handle cases of financial violence due to online gambling can provide victims with faster and more coordinated access. This center should be equipped with the services needed by victims, including legal, psychological, and social support services. Ongoing research and evaluation of the effectiveness of rehabilitation policies and programs is also important to ensure that the approach taken can adapt to the development and needs of victims.

By implementing these recommendations comprehensively, it is hoped that legal protection and rehabilitation for victims of financial violence due to online gambling can be improved, and they can get the support they need to recover their lives from these damaging impacts.

### **Learning from the World: Best Practices for Victim Protection in Other Countries**

In addressing the challenges of financial violence and online gambling, it is important for Indonesia to learn from best practices from other countries that have succeeded in protecting women and children from these damaging impacts. International comparisons can provide valuable insights and models that can be adapted to improve victim protection and rehabilitation in Indonesia.

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<sup>46</sup> Gregg D Caruso, 'Rejecting Retributivism: Free Will, Punishment, and Criminal Justice, a Précis', *Journal of Practical Ethics* 10, no. 2 (2023): 1–10, <https://doi.org/10.3998/jpe.3544>.

In Singapore, for example, an integrated approach involving collaboration between the government, the private sector and civil society has proven effective. Singapore has strict laws regarding gambling, including a strict ban on gambling advertising and strict supervision of online gambling service providers. In addition, Singapore also provides support services for victims by establishing special institutions such as the National Council on Problem Gambling (NCPG) which offers counselling services, financial support and rehabilitation programs to help victims and their families recover from the impacts of gambling. Singapore's experience shows the importance of having a central body focused on addressing gambling and financial abuse.

Meanwhile, Australia offers a model that focuses on prevention and community education. The country implements extensive awareness programs through mass media and schools to educate the community about the risks of gambling and their rights. Australia also has an easily accessible reporting and support system, including a 24/7 helpline and crisis center that provides direct support to victims of financial abuse. Australia's experience shows that a proactive prevention approach and ongoing public education can play a key role in reducing the prevalence of gambling and its impacts.<sup>47</sup>

In European countries like Sweden,<sup>48</sup> Protection of victims of financial abuse is integrated into the broader social welfare system. Sweden has strong legislation on victim protection, with a focus on providing legal aid, counselling and financial support to those affected. The system also includes standardised reporting mechanisms and high accessibility to support services. This model highlights the importance of an integrated support system that provides comprehensive and coordinated assistance to victims of financial abuse.

In the United States, there are successful community-based initiatives to address the financial abuse of online gambling. Some states have implemented programs such as "Gambling Addiction Recovery Centers" that provide specialized rehabilitation services for those affected by gambling. In addition,

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<sup>47</sup> Victoria Rowlett et al., 'Culturally and Linguistically Diverse Gamblers of East Asian Descent in Australia: A Comprehensive Review of Current Evidence', *Journal of Gambling Studies* 39, no. 2 (2023): 947-69, <https://doi.org/10.1007/s10899-023-10202-5>.

<sup>48</sup> Kim Barker and Olga Jurasz, 'Online Violence against Women as an Obstacle to Gender Equality: A Critical View from Europe', *European Equality Law Review*, no. 1 (2020): 29, <https://oro.open.ac.uk/71877/>.

strict regulations regarding transparency of gambling operations and the requirement to develop consumer protection plans are important steps in ensuring that gambling service providers adhere to ethical standards and provide adequate protection for consumers.<sup>49</sup>

Adapting best practices from these countries to the Indonesian context involves several key steps. First, there is a need for legislative reform to include clearer definitions and stronger sanctions for online gambling. Second, the development of comprehensive public education and awareness programs should be a priority to increase public awareness of the risks and their rights. Third, the establishment of a central institution specifically dealing with financial and gambling abuse cases could provide more coordinated and effective support. Finally, the development of a comprehensive and integrated support and rehabilitation system would assist victims in their recovery and provide them with access to the services they need.

#### **D. Conclusion**

The phenomenon of online gambling has many negative impacts on vulnerable groups such as women and children. Online gambling causes addiction and plunges them into a cycle of crime and financial-based violence. Women are often forced by their partners to commit crimes to finance online gambling activities. In addition, thousands of children in Indonesia are also involved in online gambling, which shows a failure in supervision and regulation.

Based on a criminological approach, the inadequacy of criminal law policies and rehabilitation efforts related to online gambling, makes the pattern of crime that occurs continue to grow and is difficult to control. Various policy makers must tighten criminal law policies and improve rehabilitation programs to help victims get out of the cycle of online gambling addiction. There needs to be a more comprehensive policy, which integrates the values of Pancasila and the provisions of the 1945 Constitution to strengthen legal protection for women and children, and realize more humanistic social justice.[s]

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<sup>49</sup> Virve Marionneau, Heidi Ruohio, and Nina Karlsson, 'Gambling Harm Prevention and Harm Reduction in Online Environments: A Call for Action', *Harm Reduction Journal* 20, no. 1 (2023): 92, <https://doi.org/10.1186/s12954-023-00828-4>.

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