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Case Annotation: Number 1018/PID/2023/PT MEDAN

Article	Abstract
<p>Author Akhmad Nur Faizin¹, Dina Marlina Rohmana², Muhammad Bintang Satria Muda³, Ardiza Bintaria Cahya Kamila, Muhammad Bagus Nurullah</p> <p>¹ Faculty of Law, State University of Surabaya, Surabaya ² Faculty of Law, State University of Surabaya, Surabaya ³ Faculty of Law, State University of Surabaya, Surabaya</p> <p>Corresponding Author: Muhammad Bintang Satria Muda³, <i>Email:</i> 24111764019@mhs.unesa.ac.id</p> <p>Data: Received: July 12 2025; Accepted: Aug 12, 2025; Published: Sept 31, 2025</p> <p>DOI: https://doi.org/10.26740/lf.r.v1i2.49607</p>	<p>Objective: This study aims to analyze the legal considerations of the judge in the Medan High Court Decision Number 1018/PID/2023/PT MDN, particularly in assessing the fulfillment of the elements of a criminal act and the imposition of criminal liability on the defendant who acted as a provider of facilities in online gambling activities based on Article 303 of the Criminal Code.</p> <p>Theoretical Framework: This research analysis is based on the doctrine of criminal liability and functional interpretation in criminal law, which emphasizes the actor's actual role and contribution to the occurrence of a crime, not merely the actor's formal position.</p> <p>Method: This research uses a normative juridical method with a descriptive-analytical specification. The approaches used include the statutory approach to examine the provisions of Article 303 of the Criminal Code and the case approach by analyzing the ratio decidendi in the court decisions under review. Legal materials were obtained from legislation, court decisions, and relevant legal literature, which were then analyzed qualitatively using a deductive thinking pattern.</p> <p>Results and Discussion: The research results show that judges apply Article 303 of the Criminal Code broadly and adaptively, emphasizing that parties who provide facilities, systems, or act as intermediaries in online gambling can still be held criminally responsible. Intent, continuity of actions, and the aim of obtaining economic gain are the main considerations for judges.</p> <p>Research Implications: This study provides insight into the direction of court interpretation in handling technology-based gambling crimes and enriches the study of criminal law in the digital era.</p> <p>Originality/Value: This study offers a specific examination of judges' legal considerations in assigning criminal responsibility to online gambling service providers, which has been relatively limited in previous research.</p> <p>Keywords: <i>online gambling; criminal liability; Article 303 of the Criminal Code; judges' considerations</i></p>

INTRODUCTION

The development of information and communication technology has brought about fundamental changes in various aspects of society, including social, economic, and legal behaviors. The Internet, which was initially used as a means of exchanging information, has now evolved into a space for highly complex economic and social activities. On the other hand, this technological advancement has also given rise to various forms of new crimes as well as modifying conventional crimes to be carried out more systematically, efficiently, and harder to detect. One type of crime that has experienced significant development alongside technological progress is gambling offenses.¹

Gambling, which was previously conducted conventionally by bringing players and dealers together in a specific physical space, has now transformed into online gambling. Through the internet, gambling can be carried out without the limitations of space and time, reaching a wide audience, and involving organized networks. This transformation not only changes the way gambling is conducted but also alters the structure of the actors involved. In online gambling, the participants are no longer limited to players and dealers; they also include other parties such as providers of operational venues, server providers, system managers, as well as those who profit from the activity even if they are not directly involved in the gambling itself.²

These developments pose particular challenges for the enforcement of criminal law in Indonesia. Criminal law, which is essentially designed to regulate actions in a conventional context, is required to be able to address new acts arising from technological advances. In the context of gambling, Indonesia continues to enforce a ban on all forms of gambling through the provisions of Article 303 of the Indonesian Criminal Code (KUHP). This article not only prohibits gambling activities but also regulates acts of offering or providing opportunities for gambling and making it a source of livelihood.³

Although the prohibitive norms on gambling have been clearly regulated, the application of Article 303 of the Criminal Code in online gambling cases often raises legal issues. These problems are primarily related to the interpretation of the elements of the criminal act and the determination of criminal liability for actors who are not directly involved as players or organizers. In practice, questions arise as to whether parties who only provide facilities, locations, or supporting systems can be held criminally liable as perpetrators of gambling crimes, and to what extent their role can be equated with that of the principal perpetrators.⁴

This issue is clearly reflected in the Medan High Court Decision Number 1018/PID/2023/PT MDN in the name of the defendant Jonni alias Apin BK. In this case, the

¹ Joko Christopher Samosir and Suci Ramadani, "International Journal of Sociology Legal Review Of The Responsibility Of Online Gambling Criminal Acts In Indonesia," 2025.

² Firmansyah, "Kebijakan Hukum Pidana Mengenai Kejahatan Judi Online (Cyber Gambling) Di Indonesia Firmansyah Firmansyah Rumusan Masalah" 4, no. September (2025): 54–62.

³ Adi Satya Nugraha and Ade Adhari, "Analisis Yuridis Delik Perjudian Dalam Pasal 303 KUHP Dan Implikasinya Terhadap Penegakan Hukum Di Indonesia Hukum Di Indonesia . Aktivitas Ini Tidak Hanya Menimbulkan Permasalahan Moral Dan Sosial , Delik Formil , Dimana Unsur Perbuatan Melanggar Hukum S," 2025, 593–604.

⁴ Samosir and Ramadani, "International Journal of Sociology Legal Review Of The Responsibility Of Online Gambling Criminal Acts In Indonesia."

defendant was charged and convicted not for acting as a gambler, but as a party that provided the operational venue, facilities, and supporting systems for large-scale online gambling. The trial facts show that the defendant continuously obtained profits from these gambling activities, both through providing facilities and sharing the proceeds from online gambling operations.

This ruling is interesting to study because it shows how the court constructs the legal framework regarding the role of providers of facilities in online gambling offenses. The judge not only assesses the defendant's actions formally but also explores the connection between the defendant's role and the continuation of the gambling practice. Thus, the judge's considerations in this decision provide an insight into how the court interprets the element of 'offering or providing an opportunity for gambling and making it a form of pursuit' as regulated in Article 303 of the Criminal Code in the context of technology-based crimes.

In addition, this Medan High Court ruling also shows the judiciary's tendency to respond to online gambling crimes that are organized and have a broad impact on society. Online gambling not only causes economic losses for players but also has the potential to disrupt social order and promote the emergence of other criminal acts. Therefore, law enforcement against online gambling cannot be separated from the objectives of criminal law, which are to provide protection to society and to create public order.

So far, academic studies on online gambling crimes generally focus more on the normative aspects of legislation or discuss gambling as part of cybercrime in general. Studies that specifically examine the legal considerations of judges in court decisions, particularly regarding the construction of criminal liability of online gambling service providers, are still relatively limited. In fact, court decisions are an important source of law that reflects the concrete application of legal norms as well as the direction of developments in criminal justice practice.⁵

Based on this background, this article aims to analyze the legal considerations of the judge in the Medan High Court Decision Number 1018/PID/2023/PT MDN, particularly in assessing the fulfillment of the elements of the crime of gambling and the criminal responsibility of the defendant as a provider of online gambling facilities. This analysis is expected to provide a more comprehensive understanding of the application of Article 303 of the Criminal Code in online gambling cases, while also contributing academically to the development of criminal law and law enforcement against technology-based crimes in Indonesia.

RESEARCH METHODS

This writing uses normative juridical research with descriptive analysis aimed at examining the conformity between positive legal norms and legal facts revealed in judicial practice. To dissect the existing legal issues, this writing combines the statutory approach to interpret the elements of Article 303 of the Criminal Code with the case approach as the main analytical tool.⁶ In the context of the case study approach, the focus of the analysis is directed at legal considerations or *ratio decidendi*. The Panel of Judges in the Medan High Court Decision Number 1018/PID/2023/PT MDN concerning the Defendant Jonni alias Apin BK. This is

⁵ Ihsanuddin, "Peran Putusan Hakim Sebagai Sumber Hukum Tidak Tertulis Dalam Sistem Peradilan Indonesia" 1 (2023): 42–49.

⁶ Mahkamah Agung, "KITAB UNDANG-UNDANG HUKUM PIDANA," no. 2 (n.d.).

intended to understand how the legal construction is built by the court in imposing criminal liability on providers of online gambling facilities, whose characteristics differ from conventional gambling. The legal materials used in this study are sourced from secondary data, which include primary legal materials in the form of regulations and court decisions that have become final and binding. Secondary legal materials are also used in this writing, consisting of literature, scientific journals, and criminal law doctrines.⁷ The technique for collecting legal materials is carried out through library research, where the author inventories and classifies relevant legal documents. The collected legal materials are then analyzed qualitatively by applying deductive logic. In this process, legal rules are set as the major premise, while the trial facts serve as the minor premise, resulting in an argumentative conclusion regarding the accuracy of the application of the law in the case.

ANALYSIS AND DISCUSSION

A. The Application of Article 303 of the Criminal Code in Decision Number 1018/PID/2023/PT MDN

Article 303 paragraph (1) of the Criminal Code basically regulates the prohibition of any act that offers or gives someone the opportunity to engage in gambling, including involvement in a gambling business or network.⁸ In this case, the Medan High Court judged that the defendant's actions had fulfilled all the elements of the offense as formulated in the article.

Based on the facts revealed in court, the defendant was proven to act as an intermediary in the lottery gambling practice. The defendant received number placements from the public, managed the recording of these numbers, and forwarded them to the bookie. This role shows that the defendant actively provided the means and mechanisms for the gambling activities to take place.⁹ Thus, the defendant's actions can be qualified as a form of 'providing an opportunity to gamble,' even though the defendant did not directly act as a player.¹⁰

In addition, the element of intent is also considered to have been met. The defendant's intent is reflected in the pattern of actions carried out repeatedly, deliberately, and with a profit-oriented purpose.¹¹ The activities of recording numbers, managing betting money, and communicating with the bookmaker indicate that the act was carried out with full awareness and the intention to gain economic profit.

The element of gambling as the object of the act is also clearly proven. Lottery gambling is a game that relies on luck, involving the staking of money.¹² The existence of evidence in the form of cash, transaction records, and summaries of lottery numbers shows that actual

⁷ Hari Sutra Disemadi, Fakultas Hukum, and Universitas Internasional Batam, "Lensa Penelitian Hukum : Esai Deskriptif Tentang Metodologi Penelitian Hukum" 24, no. December (2022): 289–304.

⁸ Mia Amalia, *Hukum Pidana Indonesia Dalam Perspektif KUHP Baru* (Amerta Media, 2025).

⁹ E Kudadiri, A Najemi, and Erwin, "Pertanggungjawaban Pidana Bagi Pelaku Tindak Pidana Perjudian Online," *PAMPAS: Journal of Criminal Law* 4, no. 1 (2023).

¹⁰ E Isnaini, "Tinjauan Yuridis Normatif Perjudian Online Menurut Hukum Positif Di Indonesia," *Jurnal Independent* 5, no. 1 (2020).

¹¹ Amalia, *Hukum Pidana Indonesia Dalam Perspektif KUHP Baru*.

¹² Isnaini, "Tinjauan Yuridis Normatif Perjudian Online Menurut Hukum Positif Di Indonesia."

gambling transactions have occurred. Therefore, all elements of Article 303 of the Criminal Code are cumulatively fulfilled.

B. Analysis of Evidence Based on the Provisions of the Criminal Procedure Code

In assessing the defendant's guilt, the judge bases their consideration on valid evidence in accordance with Article 184 of the Criminal Procedure Code.¹³ The evidence includes witness statements, defendant's testimony, physical evidence, and clues that are interconnected with each other.

The witnesses' statements reinforce the fact that the defendant was known as someone who received lottery numbers from the public. The witnesses also explained the mechanism of handing over the betting money and delivering the numbers to the bookie. This statement is corroborated by the defendant's confession, which confirmed most of his actions, particularly regarding his role as a recorder and distributor of lottery numbers.

Evidence in the form of mobile phones, lottery number records, and money from gambling becomes concrete proof of the systematic gambling activities. From this electronic evidence, the judge can trace the flow of communication and transactions between the defendant, players, and the bookie. This series of evidence then forms mutually reinforcing clues that support the judge's conviction regarding the defendant's involvement.

Thus, the evidence in this case has met the principle of proof according to the law in a negative sense, namely the existence of valid evidence and the judge's conviction obtained from the correlation between pieces of evidence.¹⁴

C. The High Court's Assessment of the Defendant's Appeal Grounds

In his appeal, the defendant essentially questioned the severity of the sentence imposed by the District Court. However, the Medan High Court considered that the reason was not supported by a strong legal basis.

In criminal procedure law, an appeal must be based on an error in the application of the law, a mistake in evaluating the evidence, or a violation of procedural law provisions.¹⁵ In this case, the defendant is unable to demonstrate any error in the application of Article 303 of the Criminal Code or any violation of the evidentiary procedures as regulated in the Criminal Procedure Code. Objections based solely on the assumption that the punishment is too severe cannot be used as a legal reason to annul or change the verdict.

The High Court also considered that the punishment imposed had taken into account the defendant's role in gambling activities, the social impact of his actions, as well as the fact that the acts were committed repeatedly and deliberately. Therefore, the sentence imposed is deemed proportional and in line with the objectives of criminal sanctions.

¹³ Universitas Warmadewa, *Buku Ajar Hukum Pidana* (Universitas Warmadewa, 2022).

¹⁴ Amalia, *Hukum Pidana Indonesia Dalam Perspektif KUHP Baru*.

¹⁵ Warmadewa, *Buku Ajar Hukum Pidana*.

D. Ratio Decidendi in the Decisions of the Medan High Court

The ratio decidendi in this ruling lies in the judge's view that gambling is a criminal act that has the potential to disturb society and disrupt public order. Therefore, anyone involved in organizing gambling, including as intermediaries or providers of facilities, must still be held criminally accountable.¹⁶

The High Court affirmed that the defendant's position as a betting distributor places him as a key part of the gambling network. This role is considered more serious compared to an ordinary player because the defendant directly contributes to the continuation of gambling practices. In addition, the presence of electronic evidence and transaction records indicates that the acts were carried out systematically and continuously.

Based on these considerations, the High Court concludes that there is no legal error in the District Court's decision. Therefore, the first-instance ruling is deemed appropriate and deserves to be fully upheld.

CONCLUSION

The Medan High Court Decision Number 1018/PID/2023/PT MDN affirms that the application of Article 303 of the Criminal Code is not limited to gamblers who act as players or bookies. Criminal liability can also be imposed on parties who provide the means, facilities, and support systems for gambling to occur. In this case, the court established a legal framework that the defendant's role as a provider and operational intermediary for gambling is an integral part of the gambling operation itself, thus fulfilling the element of "providing the opportunity for gambling and making it a source of income."

The Panel of Judges assessed that the defendant's intent was proven by the pattern of actions carried out repeatedly, planned, and oriented towards economic gain. This assessment indicates that the determination of criminal liability is not based solely on the formal position of the perpetrator, but on the defendant's real contribution to the continuation of gambling practices. With this approach, the judges applied a functional interpretation of Article 303 of the Criminal Code to address the characteristics of gambling that have transformed into technology-based gambling.

From the aspect of evidence, this decision reflects the application of the principle of evidence according to the law in a negative manner as regulated in the Criminal Procedure Code. The judge's conviction is built through the correlation between witness statements, the defendant's testimony, physical evidence, and mutually reinforcing indications. This series of evidence is considered sufficient to prove the existence of the crime of gambling and the defendant's involvement in a legal and convincing manner.

Overall, the ratio decidendi of this ruling asserts that any party who plays a significant role in the gambling network must still be held criminally responsible. This ruling also shows the judiciary's tendency to interpret Article 303 of the Criminal Code adaptively in response to the development

¹⁶ S Maharani, "Analisis Yuridis Penanganan Perkara Tindak Pidana Judi Online," *Jurnal Komunitas Yustisia* 6, no. 1 (2023).

of modern gambling crimes, making it significant for the direction of law enforcement against online gambling in Indonesia

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