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Money Laundering from Gambling in the Perspective of the National Criminal Code: Criminal Policy on Economic Crimes

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ABSTRACT

This article analyzes the legal construction of money laundering from gambling in the perspective of the *National Criminal Code* and the criminal policies built against these economic crimes. The purpose of this study is to examine the synchronization of norms between the *National Criminal Code* and the Money Laundering Law, as well as evaluate the effectiveness of its criminal policies. The research uses *normative legal methods* with a statutory and conceptual approach, sourced from primary legal materials in the form of two main regulations and secondary legal materials in the form of previous scientific journals. The results of the study show that gambling has been explicitly categorized as *a predicate crime* in both regulations, so that the existing norms are textually harmonious. However, the effectiveness of its enforcement is still constrained because criminal policies tend to be reactive, oriented towards *penal* strategies only, and have not yet reached new modus operandi and transnational character of this crime. The research recommends strengthening integrative criminal policies, combining *penal* and *non-penal strategies*, accompanied by strengthening cross-border legal cooperation so that the prevention of money laundering from gambling can be more responsive to the dynamics of digital-based economic crimes in Indonesia.

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INTRODUCTION

The development of digital technology has changed the face of economic crime in Indonesia, one of which is through the proliferation of online gambling practices which are now closely linked to money laundering crimes. Data from the Financial Transaction Reporting and Analysis Center (PPATK) shows a significant surge in online gambling transactions, with transaction values increasing sharply *year-on-year* to reach hundreds of trillions o rupiah in the past year.[1] This phenomenon is not just a moral or public order issue as stipulated in Article 303 of the old Criminal Code, but has transformed into an organized economic crime that takes advantage of loopholes in the financial system to disguise the origin of funds from crime through *the stages of placement*, *layering*, and *integration*.[2] The anonymity of digital transactions, the existence of cross-border servers, and ease of access through online payment platforms make *online* gambling an ideal instrument for criminals to launder illegal funds while complicating the tracking process by law enforcement officials.

This condition has become even more complex with the presence of Law Number 1 of 2023 concerning the Criminal Code (hereinafter referred to as the *National Criminal Code*), which replaces the *colonial legacy Wetboek van Strafrecht* and will come into effect in early 2026. This new codification brings a different paradigm of criminal policy, with a shift in orientation from retributive justice to a corrective and restorative approach, as well as efforts to accommodate modern forms of crime, including technology-based economic crimes, into a single integrated criminal justice system. The question then is, to what extent the framework of the National Criminal Code is able to answer the complexity of money laundering sourced from gambling proceeds, considering that so far the regulation of money laundering crimes has been regulated separately in a special law, namely Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.[3]

A number of previous studies have attempted to answer this problem from various perspectives. Shodiq and Sumanto analyze the process of money laundering through *online gambling* from the perspective of Lawrence M. Friedman's legal system theory, by highlighting the weak structure, substance, and legal culture in Indonesia in dealing with increasingly sophisticated modus operandi.[4] In line with that, Karina et al. examine the criminal liability of online gambling site bookies as a means of money laundering based on a study of court decisions, and affirm that bookie activities not only violate gambling regulations, but also actively utilize illegal transactions to disguise the origin of funds. [5] From a comparative perspective, Kuzmenko et al. developed a risk modelling approach to the legalization of bank funds derived from online gambling activities[6], while Langdale uncovered the linkages between casino operators, *junkets*, and transnational crime networks in money laundering practices in Australia. [7] Another study by Yusoff et al. highlighted the importance of *Regulatory Technology* (*RegTech*) and the internal audit function of banks to prevent money laundering in the Indonesian banking sector[8], while Wamafma, Sasea, and Marlina described Bank Indonesia's steps in tackling *money laundering* through *its Customer Due Diligence* (*CDD*) policy and *Enhanced Due Diligence* (*EDD*).[9]

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[1] Muhammad Fajar Shodiq and Listyowati Sumanto, "The Crime of Money Laundering Through Online Gambling from the Perspective of Lawrence M. Friedman Decision Number 1018/Pid/2023/PT Mdn," *Journal of Socio-Cultural Education* 21, no. 1 (2025): 29–37, https://doi.org/10.57216/pah.v21i1.911.

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[8] Yusri Hazrol Yusoff et al., "Money Laundering Prevention through Regulatory Technology and Internal Audit Function in Indonesia Banking Sector," *Accounting and Finance Research* 12, no. 4 (2023): 1–62, https://ideas.repec.org/a/jfr/afr111/v12y2023i4p62.html.

[9] Filep Wamafma, Enni Martha Sasea, and Andi Marlina, "Bank Indonesia's Efforts to Tackle Money Laundering in

Although these studies make important contributions, there are fundamental limitations that need to be observed. First, the majority of studies are still based on the framework of Law Number 8 of 2010 and the Electronic Information and Transaction Law partially, without linking it to the criminal policy architecture built by the National Criminal Code as the codification of Indonesia's criminal law. Second, the approach used tends to be casuistic and descriptive-technical, so it has not placed the problem of money laundering from gambling as part of an *economic crime* that requires a systemic and philosophical countermeasures strategy.[10] Third, studies that specifically discuss the consistency and harmonization between money laundering norms in special laws and general principles adopted by the National Criminal Code, such as the *double track system* and social recovery approaches, are still very limited.[11]

Based on these gaps, this study aims to examine in depth the legal construction of money laundering from gambling in the perspective of the National Criminal Code, as well as analyze the criminal policies built against this type of economic crime, both from the aspects of criminalization, the penal system, and the effectiveness of law enforcement after the enactment of the new codification. The novelty offered by this article lies in the effort to bridge two legal frameworks that have been studied separately, namely the anti-money laundering regime and the national criminal codification, while placing *online* gambling as a *predicate crime* in the context of criminal policy against contemporary economic crimes in Indonesia.

The identification of issues and objectives of this research has important significance, both academically and practically, considering that the transition period towards the full implementation of the National Criminal Code in 2026 opens up space for critical evaluation of the readiness of the Indonesian criminal law system in responding to economic crimes based on digital technology, so that the results of this research are expected to make a conceptual contribution to policymakers in formulating a more coherent and equitable strategy to combat money laundering.

METHODS

This article was prepared using the *normative legal research method*, which is a method that focuses on the study of written legal norms as *law in books*, without involving empirical testing of social facts in the field.[12] The selection of this method is based on the character of the problem raised, namely the synchronization and consistency of norms between the provisions of money laundering from gambling and the criminal policy contained in the National Criminal Code, so that the search for written legal materials becomes the most relevant analytical instrument. The approaches used in this study include a statute *approach* and a *conceptual approach*, each of which functions to examine the relationship between regulations and understand the concept of *criminal policy* towards economic crime in more depth.

The legal materials used consist of primary legal materials and secondary legal materials. The primary legal materials are obtained from two main regulations, namely Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes and Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code), which is the main reference in analyzing the construction of norms and the direction of criminal policies against gambling-based money laundering crimes.[13] The secondary legal material is sourced from *library research* on scientific journals, the results of previous research, and legal literature relevant to the theme of the study, as is commonly used in descriptive-analytical legal research to construct theoretical and philosophical arguments on a legal issue.[14]

The data collection technique is carried out through systematic document tracing of laws and

Online Banking," *USM Law Review Journal* 5, no. 1 (2022): 357–76, https://journals.usm.ac.id/index.php/julr/article/view/4741.

[10] Sri Ismawati and Mega Fitri Hertini, "The Transformation of Criminal Policy in the National Criminal Code: Towards a Just and Humanist Criminal System," *Simbur Cahaya* 3, no. 2 (2025): 283–306, https://journal.fh.unsri.ac.id/index.php/simburcahaya/article/view/5050.

[11] Dryan Nugroho and Hery Firmansyah, "Law Enforcement against Money Laundering Crimes in Binomo Investment Cases for Justice for Victims," *UNES Law Review* 6, no. 4 (2024): 10497–507, https://garuda.kemdiktisaintek.go.id/documents/detail/5677743.

[12] Tunggul Ansari Setia Negara, "Normative legal research in Indonesia: Its originis and approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

[13] Law of the Republic of Indonesia, "Law (Law) Number 1 of 2023 Criminal Code," 2023.

[14] Subianta Mandala, "National Law Development in The Perspective of Legal Theory and Philosophy," *Journal of De Jure Legal Research* 24, no. 3 (2024): 321–34, https://doi.org/10.30641/dejure.2024.v24.321-334.

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regulations, relevant court decisions, and national and international journal articles that discuss the theme of money laundering and criminal law reform. The data that has been collected is then analyzed qualitatively with a deductive approach, which begins with a general premise in the form of applicable legal norms, then is linked to concrete problems related to money laundering from gambling, so that a coherent conclusion is obtained about the position and effectiveness of criminal policies in the National Criminal Code against economic crimes. Through this series of stages, the research is expected to be able to produce a coherent, argumentative, and based on applicable legal scientific principles.

RESULTS AND DISCUSSION

The Construction of Gambling Money Laundering Norms in the Perspective of the National Criminal Code and Its Synchronization with the Anti-Corruption Law

The legal construction of money laundering from gambling cannot be separated from the relationship between the National Criminal Code (hereinafter *the National Criminal* Code) and Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (hereinafter the *Anti-Money Laundering Law*). In the new codification, the crime of gambling is regulated in Articles 426 and 427 of the National Criminal Code, which criminalize the act of offering gambling opportunities, making gambling a livelihood, or participating in gambling games without a license, with a threat of imprisonment of up to nine years. This provision substantially continues the spirit of Articles 303 and 303 *bis* of the old Criminal Code, although the formulation of criminal threats has been updated to a fine category system. Interestingly, the National Criminal Code explicitly affirms the link between gambling and money laundering through Article 607 paragraph (2) letter t, which includes "gambling" as one of the *predicate crimes* or original criminal acts whose results can be categorized as objects of money laundering. This provision is identical to Article 2 paragraph (1) letter t of the Anti-Money Laundering Law, so that there is a normative harmonization between the parent codification and special laws.

This construction strengthens the findings of Satrya, Nugroho, and Supolo who affirm that *online* gambling is one of the *predicate crimes* expressly contained in Articles 2 to 5 of the Anti-Corruption Law, with a reverse evidentiary system that requires the defendant to prove the legality of his property.[15] This reverse proof provision is consistently maintained in Article 77 and Article 78 of the Anti-Corruption Law, and a similar pattern is also adopted in the spirit of the National Criminal Code which encourages the tracing of assets resulting from crime. Turmuzi also emphasized that Article 2 of the Antiquities Law is the main reference in determining the categories of crimes whose results can be laundered, including crimes in the field of gambling, so doctrinally the existence of these two mutually referring norms should strengthen, not cause overlap, legal certainty.[16]

However, this normative synchronization has not fully answered the problems in the digital realm. Ruslan, Syamsuri, Malik, and Rahman found that although Indonesia has strengthened regulations through the 2024 Electronic Information and Transaction Law and the National Criminal Code, the existing policy formulation is still domestic-reactive and retributive, because law enforcement tends to only reach *end-users* without being able to touch intellectual actors or financial infrastructure of cross-border syndicates. This confirms that although the textual norms in Article 607 of the National Criminal Code and Articles 3 to 5 of the Anti-Corruption Law are quite comprehensive in defining the act of money laundering - both at the *placement*, *layering*, and integration stages - the effectiveness of its application is still constrained by the transnational characteristics of *online gambling* crime itself.[17]

Criminal Policy on Economic Crime: Criminalization, the Penal System, and Law Enforcement Challenges

From the criminal policy aspect, this study found that the penal approach to gambling and money laundering in Indonesia is still dominated by *penal* strategies that are oriented towards deterrent effects, while *non-penal strategies* have not been adequately optimized. Saputra and Adhari show that the effectiveness of criminalization against online

[15] Alda Satrya, Bastianto Nugroho, and Supolo Supolo, "Money Laundering Crimes Against Online Gambling," *AL-MANHAJ: Journal of Islamic Law and Social Institutions* 4, no. 2 (2022): 287–96, https://doi.org/10.37680/almanhaj.v4i2.1863.

[16] Ahmad Turmuzi, "The Criminal Code's View of the Crime of Money Laundering," *Journal Of Business Law Research* 1, no. 2 (2025), https://jurnalazislamadjido.ac.id/index.php/JBLR/article/view/173.

[17] Muhammad Ibnu Maulana Ruslan et al., "Formulation of Criminal Law in Overcoming the Phenomenon of Online Gambling as a Social Pathology in Indonesia," *Indonesian Journal of Intellectual Publication* 6, no. 1 (2025): 138–47, https://doi.org/10.51577/ijipublication.v6i1.926.

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gambling perpetrators *is* still weak in three aspects at once, namely the normative aspect due to the absence of comprehensive special rules, the juridical aspect due to the limitations of digital forensics and cross-border jurisdictional issues, and the sociological aspect due to the low digital literacy of the community.[18] This finding is in line with the recommendations of Anggoro and Santoso who proposed an integrative criminal political framework by combining *penal strategies* – such as asset confiscation through money laundering criminal instruments as stipulated in Article 7 of the Anti-Money Laundering Law and Article 607 of the National Criminal Code – with *non-penal strategies* in the form of strengthening digital literacy and reforming law enforcement institutions.[19]

In the aspect of criminalization, regulatory gaps are still found in the new modus operandi that has not been explicitly covered in both regulations. Sinaga, Perdana, and Moertiono revealed that the practice of buying and selling bank accounts that are often used to disguise *funds from online gambling* has not been regulated in detail in the Anti-Corruption Law, so its handling still relies on the general provisions of Articles 3 to 5 of the Anti-Corruption Law regarding the receipt and control of property from criminal acts. The absence of this kind of specific regulation has the potential to create a legal loophole as warned in the general explanation of the Anti-Corruption Law, which states that existing regulations "still provide room for different interpretations" and the existence of "legal loopholes" as the main weakness before the update is carried out.[20]

The penal system in the National Criminal Code also shows a philosophical shift, from a retributive orientation to a balance between criminalization and rehabilitation. The threat of imprisonment of up to fifteen years for active money laundering perpetrators as stipulated in Article 607 paragraph (1) letters a and b of the National Criminal Code shows that the state maintains a repressive approach to large-scale economic crimes, but still opens up space for a recovery approach through asset confiscation and the return of state losses. Pratama emphasized that the criminal sanctions for money laundering in the Anti-Money Laundering Law have basically reflected the principle *of economic analysis of law*, where the imposition of sanctions is directed at the effectiveness of eradicating economic crimes without causing undue harm to the state, although a small part of these principles have not been fully implemented due to the character of criminal law that cannot be separated from the principle of legal certainty.[21]

The transnational dimension is also a major challenge in the enforcement of this criminal policy. Rahayu, Musa, and Mahira found that money laundering arrangements in Indonesia, Singapore, and the Philippines have different approaches to respond to the cross-border nature of these crimes, so regional harmonization is needed so that law enforcement does not stop at national jurisdictional boundaries.[22] Kamalludin reinforced these findings by revealing that *the online* gambling industry in Southeast Asia has become a means for transnational criminal syndicates to launder money laundering and exploit Indonesian migrant workers, so countering it demands stronger regional cooperation under the ASEAN framework. [23] The same thing was also emphasized by Suwitra, Hadiyanto, and Cipton, who highlighted that the implementation of international standards for the prevention of cross-border money laundering still requires increased cooperation and

[18] Rama Adi Saputra and Ade Adhari, "The Effectiveness of Online Gambling Criminalization in the Perspective of Criminal Law Policy," *History: Educational Journal of History and Humanities* 8, no. 4 (2025): 8500–8511, https://doi.org/10.24815/jr.v8i4.51271.

[19] Tri Cahyono Anggoro and Bambang Santoso, "Integrative Criminal Politics in Countering Online Gambling in Indonesia," *Usm Law Review Journal* 8, no. 3 (2025): 12–14, https://journals.usm.ac.id/index.php/julr/article/view/12541.

[20] Esra Mailany Sinaga, Surya Perdana, and Juli Moertiono, "Criminal Policy Against the Crime of Money Laundering through Account Buying and Selling," *Iuris Studia: Journal of Legal Studies* 6, no. 2 (2025): 632–39, https://jurnal.bundamediagrup.co.id/index.php/iuris/article/view/1149.

[21] M. Ilham Wira Pratama, "Analysis of Criminal Sanctions for Money Laundering Crimes (Economic Analysis of Law Perspective)," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 3, no. 1 (2022): 48–56, https://doi.org/10.18196/ijclc.v3i1.12343.

[22] Linda Suci Rahayu, Dyah Ayu Riska Musa, and Dararida Fandra Mahira, "Money Laundering as a Transnational Crime in the Era of Globalization with a Comparison of Laws and Regulations in Indonesia, Singapore, and the Philippines," *POSITUM Law Journal* 6, No. 1, no. 1 (2021): 18–40, https://journal.unsika.ac.id/index.php/positum/article/view/4202.

[23] Iqbal Kamalludin, "Money Laundering, Labor Exploitation, and Human Trafficking in the Online Gambling Circle," *AML/CFT Journal The Journal of Anti Money Laundering and Countering the Financing of Terrorism* 3, no. 2 (2025): 197, https://doi.org/10.59593/amlcft.2025.v3i2.230.

stricter monitoring mechanisms, in line with the mandate of Articles 89 to 91 of the Anti-Money Laundering Law on international cooperation and mutual assistance in criminal matters.[24]

Based on this description, it can be concluded that the criminal policy against money laundering from gambling in the National Criminal Code has been normatively constructed quite coherently with the Anti-Corruption Law, especially through Article 607 and Article 608 which explicitly accommodate gambling as *a predicate crime*. However, the effectiveness of the policy as an instrument for countering economic crimes is still limited by the weak criminalization of new modes, the lack of *non-penal strategies*, and the lack of optimal law enforcement cooperation across jurisdictions, so it is necessary to strengthen criminal policies that are more integrative and responsive to the dynamics of economic crime based on digital technology.

CONCLUSION

This research shows that the National Criminal Code has accommodated the laundering of gambling proceeds coherently through Article 607, which is in line with Article 2 of the Anti-Corruption Law in placing gambling as *a predicate crime*. However, the criminal policy that has been built is still *penal-retributive oriented and has not reached cross-jurisdictional modes or* new predicate crimes such as buying and selling accounts. It is necessary to reorient criminal policy towards an integrative model that combines *penal* and *non-penal* approaches, so that textually harmonized norms can be implemented effectively in responding to the transnational character of digital-based economic crimes.

Lawmakers need to formulate implementing rules that specifically address digital-based money laundering modes, including the practice of buying and selling accounts. Strengthening inter-agency cooperation and international cooperation under the ASEAN framework also needs to be prioritized. In addition, *non-penal* strategies in the form of improving people's digital literacy should be integrated with repressive law enforcement so that criminal policies run more balanced and sustainable.

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