

Study of Online Gambling Promotion Policy in Indonesia, Pakistan, and USA

Mohammad Fawaid Pradika¹, Lukman Taufik Tri Hidayat², Achmad Habib Dwi Prakoso³, Aasiim Ahmad Khan⁴

¹²³⁴ Fakultas Ilmu Sosial dan Politik, Universitas Airlangga

¹²³⁴ Jl. Prof. Dr. Moestopo No. 47 Surabaya, Jawa Timur, 60132, Indonesia

¹mohammad.fawaid.pradika-2023@fisip.unair.ac.id, ²lukman.taufik.tri.hidayat-2023@fisip.unair.ac.id,

³Achmad.habib.dwi.prakoso-2023@fisip.unair.ac.id, ⁴aasiim.ahmad.khan-2023@fisip.unair.ac.id

ABSTRACT

This research will focus on the study of online gambling promotion in Indonesia, Pakistan and the USA. The rise of online gambling promotions caused by technological advances has become a threat to the entire country. The USA, where some states legalize online gambling, also experienced problems that threatened national security. Indonesia and Pakistan as developing countries are experiencing problems in the societal and economic aspect. Therefore, this study will discuss how the promotion of online gambling in each country provides universal services as an aspect of the foundation principles of communication policy. This study uses a qualitative descriptive method, with a case study of online gambling promotion. Data collection through literature review through credible national and international journals and news articles. This study found that the regulation of online gambling promotion in Indonesia, Pakistan, and the United States, emphasizing the influence of national principles and societal values. Indonesia, guided by Pancasila, enforces strict prohibitions through ITE Law and site blocking which is growing fast now adays. Pakistan's Islamic law leads to a complete ban on gambling, with rigorous enforcement through laws like PECA. The United States allows regulated online gambling in some states, focusing on national security via UIGEA. The research highlights the critical role of diplomatic relations in tackling transnational online gambling issues, stressing the need for international cooperation and a nuanced understanding of each country's legal and cultural context for effective regulation.

Keywords: *Online Gambling, Policy, Promotion, Universal Service*

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INTRODUCTION

This research will focus on the study of Indonesia, Pakistan, and the United States of USA policies on online gambling promotion through the principle of universal services. The presence of media as a digital communication channel, which facilitates access to participation and sharing of information that can be accessed by the public, both known and unknown (Nafila et al., 2022). With social media that is growing, the delivery of the latest information easily reaches the public, including from the lower class to the upper class. Various information that reaches the public is quite diverse, one of which is online gambling.

Gambling in KBBI (Big Dictionary Indonesian) games in which money or valuables are used as bets. Gambling that initially operated conventionally then developed towards online using PCs (personal computers) and the internet. Then it is growing by making it easier for users to play online gambling through smartphone media. Gambling in Indonesia has been regulated through existing legislation. The rule is listed in Article 303 verse (3) of the Criminal Code which regulates any activities that include gambling activities. Then it continues with Article 27 verse (2) of the ITE Law as a regulation of actions against online gambling and continued with Article 45 verse (2) of the ITE Law as a threat to parties who intentionally distribute and make access to online gambling with a maximum penalty of 6 years in prison and a fine of 1 billion rupiah. Thus, all forms of gambling in Indonesia have been categorized as illegal activities.

With the rules that have been mentioned, the hope is that the more depressed an activity from gambling, especially online gambling. Kominfo (Ministry of Communication and Information) since 2018 through Press Release No. 340/HM/KOMINFO/08/2022 stated that as many as 566,322 online gambling content has been blocked as an effort to deal with online gambling. The blocking consists of 2018 with 84,484 content blocks, then 2019 with 78,306, 2020 with 80,305 contents, 2021 with 204,917 content and 2022 until August 22, 2022 with 118,320 content (Kominfo, 2022). In its trend for blocking, Kominfo has increased every year and jumped sharply in 2021, namely during the covid pandemic. Some sites spread across Indonesia are quite a lot such as Winning365.com, Lambung88.com, Dewapoker.com.

Even so, online gambling promotions are still rampant to this day. The variety of online gambling variations along with the times provides flexibility for online gambling players to continue to experience addiction. Social impacts such as shifts in social activities, social gaps, and the potential for criminal acts committed are a reason for the government to seriously deal with this problem. Not to mention that economic losses resulting in several other problems such as disturbances in family harmony, juvenile delinquency, and instability of family resilience will result in more problems caused by online gambling (Rafiqah & Rasyid, 2023). Especially now online gambling promotions are carried out through the internet and are easily accessible to anyone.

Online gambling is a concern in several public discussions in Indonesia. This can be triggered by the large number of online gambling players in Indonesia and have a considerable impact on losses. Indonesia is ranked first in slot gambling players in the world by touching 201,122 active players, which is more than the Philippines, Myanmar, Russia and Cambodia (Narasi TV, 2023). Through data from PPATK (Center for Financial Transaction Reporting and Analysis), online gambling transactions in Indonesia until the end of 2023 will grow to IDR 200 trillion, up many times from 2017 which amounted to 2 trillion. Furthermore, PPATK recorded 2.1 million people out of 2.7 million Indonesians who use 100 thousand per day for online gambling deposits ranging from students to housewives (CNBC Indonesia, 2023). Another real loss is the increasing crime rate. A mother is killed by her own child because the child himself wants to rob valuables from his mother to be used to play online gambling (Kompas TV, 2023). In addition, with online gambling whose servers are abroad, the rotating economic money does not enter the country and causes large losses for Indonesia.

In a country of law, the government has an important role in providing a legal umbrella for various public services in creating peace and an orderly state system. The formulation of a policy is important to understand the framework of a country in providing good public services, including the protection of the adverse effects of online gambling. Restrictions on gambling, both online and conventional, have been mentioned in the Criminal Code article 303 verse (2), which is then explained more

specifically in anticipation of digitalization in the ITE Law article 27 verse (2) which prohibits all forms of promotion through the internet that contain gambling activities. This is an effort by the government to serve the society in providing security, health, and peace in carrying out life as a citizen (Naples, 2001). That way, all efforts in promoting online gambling through mass media and online media are clearly prohibited according to charged laws.

However, some Indonesian influencers were found to be promoting online gambling sites, and received different penalties. Wulan Guritno is said to be appointed as an anti-online gambling ambassador by Kominfo. Budi Arie said “celebrity artists have been called and will be appointed by Kominfo to become anti-online gambling campaigners” (CNN Indonesia, 2023). Likewise with Steven Kurniawan who has apologized to the public but there has been no further process from the police. Meanwhile, Ferdian Paleka received an 8-month prison sentence. Then other people who play online gambling are also arrested by the police and sentenced to prison. This different handling is contrary to article 27 verse (2) of the ITE Law and article 45 verse (2) of the ITE Law which regulates threats against parties who intentionally distribute and make access to online gambling with a maximum penalty of 6 years in prison and a fine of 1 billion rupiah.

Three people were detained in Lahore, Pakistan on December 12, 2022, for participating in online gambling. It was found that they had one million rupees in cash. One of the suspects Faizan manages an online gambling application with bets

on various sporting events such as football, hockey, tennis, and cricket (The Current, 2022). Pakistan is one of the countries that prohibits gambling activities there. Pakistan is tough on gambling because it is not in accordance with the culture and religion there and is seen as a social disease. Regulation of gambling has been regulated through the regulations of The Prevention of Gambling Act 1977 and The Pakistan Penal Code 294-a. The regulation both mention prohibiting transactions, promotions, establishing companies and playing gambling. Further in the regulation mentioned the details of penalties for gambling both playing in public and private spaces.

With the advancement of the times, regulations were made according to relevance, namely The Prevention of Electronic Crimes Act (PECA) 2016. Authorities may take legal action against individuals or companies that market or encourage online gambling. The Pakistani government issued a ban on digital advertising as a proactive measure to protect its population from the potential risks associated with online gambling. The Government of Pakistan is committed to the protection of citizens with proper law enforcement. The Pakistani government's goal is to impose restrictions on public participation in online gambling, as well as ban all forms of promotion of conventional and online gambling through various channels, including media, television, radio, and all online platforms.

Unlike Pakistan, the United States itself is a country that legalizes gambling in its country-side. But it is different from the regulations on online gambling

with stricter regulations. The Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA) is a regulation in the United States that oversees online gambling activities. The UIGEA prohibits gambling entities from knowingly accepting payments related to another state's participation in betting or gambling over the internet in contravention of any federal or state law. The law provides exceptions for "fantasy" sports that meet certain criteria, skill-based gaming, and legal interstate and intertribal gambling.

However, the law is too unclear by not explicitly addressing how lotteries are in the state and not explaining whether interstate betting on horse racing is considered legal. One of the cases recorded for violating the UIGEA is that of 13-year-old fugitive Richard Sullivan from Antigua. With the defendants committing racketeering, illegal gambling businesses, transmitting betting information, laundering money, and traveling between states for extortion. Sullivan was charged with violating the UIGEA statute, a law that aims to regulate gambling over the internet. The prosecution marks the first time a person has been charged with violating the UIGEA and the first in Massachusetts.

According to the indictment, Sullivan and three associates Todd Lyons, Robert Eremian, and Daniel Eremian operated Sports Offshore, an online gambling site licensed in Antigua that actually operated in the United States. They run illegal gambling businesses from Massachusetts to Florida. Sports Offshore uses its Antigua-registered Internet site and toll-free telephone line to serve United States customers. The network also allegedly employed about 50

gambling agencies in the United States that sought hundreds of customers and collected gambling debts and forwarded the proceeds of the illegal gambling to Antigua (United States Attorney's Office, 2023).

Previous research stated that online gambling promotion in Indonesia has taken advantage of digital marketing such as using search engine optimization (SEO), telemarketing, and direct marketing which make gamblers always remember to play online gambling. This is very worrying, especially for the Indonesian society, by using seduction and manipulative data, online bookies and their employees are able to give a hope to get these unreal profits (Alvin, 2022).

Therefore, this study aims to compare how online gambling in Indonesia, Pakistan, and the USA is promoted, and how the role of the government as a law enforcement firm overcomes the problems arising from online gambling. The application of the ITE Law in regulating online gambling promotion will use a comparison of other countries policies towards online gambling promotion, by comparing Pakistan and United States USA's state regulations as comparison material. Based on this comparison, it will be analyzed how each countries provides the universal service aspect as one of ten principle foundations of communication policy by Napoli (2005).

LITERATURE REVIEW

Indonesian Online Gambling Promotion Policy

In Indonesia there are many losses for society due to the impact of online gambling that is felt from teenagers to adults. Loss of

concentration, prolonged stress and easy frustration in dealing with problems due to perceived addiction. Easily desperate in everything makes these online gamblers *trigger* laziness and create uncontrollable emotions. Of course, economical losses due to continuous addiction to *online* gambling are a threat to individuals and the nation. This makes the gambling law show its ability to have legal force, as if it has no effect on online gamblers and bookies in Indonesia (Satriyono & Ula, 2023).

In addition to the organizers or bookmakers, the problem of online gambling in Indonesia is also charged to everyone who deliberately helps in promoting online gambling activities. Legal responsibility for anyone who promotes online gambling must find the consequences of the actions taken. The importance of compliance with the law and knowledge of this online gambling campaign *violates* gambling regulation and ITE resulting in serious sanctions. The legality of online gambling promotions by anyone, including celebrities, is illegal, therefore it is important to understand and comply with the regulation and be ready to take responsibility for all violations committed (Majid & Maskur, 2023).

Indonesian regulation, gambling activities are activities that are prohibited by law and written in legal regulations. Technological advances make gambling activities can be done digitally or commonly called online gambling. Therefore, the government made article 27 verse (2) of the ITE Law which reads "Everyone intentionally and without the right to distribute, transmit, and/or make accessible Electronic Information or Documents that

have gambling content". In the article, it is explained that everyone who deliberately creates content, sites, and everything that contains digital gambling is a prohibited activity, including to distribute, transmit, and make access to electronic information and documents. In addition, Indonesia also prohibits the promotion of online gambling as stated in article 45 verse (2) of the ITE Law which reads "Any person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have gambling content as referred to in Article 27 verse (2) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp1,000,000,000, 00 (one billion rupiah)".

Article 45 verse 1 of the ITE Law regulates the penalties and sanctions to be given to violators, while article 27 verse 2 explains the actions taken against online gambling violations. Online gambling has complex effects on social values, mental health, economy, society sphere, religion and how everyone can engage in an easy way (Parandita, 2023). The police approach by providing understanding in the form of socialization about online gambling, as well as educating on the dangers and losses that can occur when doing online gambling (Alkarni & Taun, 2023). The government's efforts in eradicating online gambling are carried out by conducting socialization related to the dangers posed by online gambling, but the implementation of online gambling prevention efforts has not been fully carried out. Data found by the Ministry of Communication and Information (Kemenkominfo) from 2020 to August 22, 2022, has cut off access to

403,543 contents in the digital space that have elements of gambling, including digital platforms and sites that share content related to gambling activities (Ginting & Ginting, 2023).

In research by Maharani, et. al. (2023:10) there are 12 out of 85 online gambling players who have thought of committing crimes to meet the needs of playing online gambling. This becomes dangerous, considering the addiction to online gambling, can make him think about allowing him to do various ways to be able to play online gambling such as fraud, robbery, and murder in Indonesia. Peer group communication and online gambling promotion on social media caused addictive behavior by 55.9%. The promotion of online gambling on social media, especially Instagram, can make people experience addiction in online gambling promotions which are packaged in attractive audio visuals, which can cause thoughts to commit criminal acts such as cheating, robbing, and killing.

Among teenagers in Indonesia, online gambling is also one of the problems in participating in online gambling, it is an issue that often arises. Teenagers become interested in gambling because they are influenced by various factors, one of which is the society sphere. Teenagers who participate in online gambling make teenagers experience many problems such as financial losses, involvement in criminal acts, and even the risk of being involved in narcotics abuse. This problem arises from various factors such as instrumental rational impulses, affective actions, and value-oriented rational actions. In general, the phenomenon of online gambling

among teenagers reflects the complexity of the interactions between individuals, society sphere, technology, and social dynamics that shape teenagers's behavior and decisions (Kanda & Nurhalimah, 2024).

USA Online Gambling Promotion Policy

According to Eadington (2004:218) in the journal *The Future of Online Gambling in the United States and Elsewhere* states that online gambling has an impact on economics, politics, and law and there are real implications on people's lives. In economic terms, online gambling has the potential to create new economic opportunities through job creation, increased tax revenue, and capital investment in the industry. However, because the industry is so competitive around the world, it is very difficult to generate significant tax revenue from online gambling activities. In addition, Eadington (2004) adds that in its political and legal dimensions, online gambling has been the subject of complicated policy debates. The United States and other countries are concerned about the negative impact of online gambling on society. On the other hand, the UK and other countries have enacted laws that legalize and oversee online gambling. This suggests that online gambling policies can differ between jurisdictions, which makes it difficult to create a consistent legal framework. In addition, there are concerns that occur due to abuse by children.

The rise of children exposed to online gambling cannot be separated from advertisements that appear on social media. In Rossi's journal, et.al., (2021:501) titled "Get a £10 Free Bet

Every Week!" —Gambling Advertising on Twitter: Volume, Content, Followers, Engagement, and Regulatory Compliance" explains that gambling ads can influence children through continuous exposure and emotionally stimulating messages. The gambling ads displayed are often associated with sporting events, especially e-sports, and are very much uploaded on Twitter or the X app. This can have an impact on children and adolescents who are easily influenced by impulsive behavior and tend to be emotional.

In addition, gambling ads on X often ignore social messages such as age warnings and risk reduction messages. As a result, gambling ads on Twitter can have a negative impact on children, raising concerns about the normalization of gambling behaviors among children and young people. Rossi, et. al., (2021:501) added that in situations like this, stricter regulations are needed and must be made to protect children from gambling ads on Twitter. Regulations should emphasize esports advertising standards, create specific regulations for social media, change regulations related to content that appeals to children, use technology to prevent people under 18 from seeing gambling ads, and improve the labeling of gambling ads in the messages displayed.

The United States has realized the impact of online gambling by passing The Unlawful Internet Gambling and Enforcement Act (UIGEA) in 2006. Ben-Jacob (2017) explains that the UIGEA Act is a United States law passed in 2006 as part of the Online Copyright Limitations of Liability Act. The UIGEA prohibits gambling businesses from knowingly

accepting payments related to someone else's participation in betting or gambling that involves the use of the Internet and that violates any federal or state law. The law also imposes restrictions on financial institutions.

In the journal Ciaccio, Jr., (2010:12) entitled *Internet Gambling: Recent Developments and State of the Law* it is explained that Congress passed the *Illegal Internet Gambling Enforcement Act of 2006 (UIGEA)* primarily to prohibit online gambling transactions. Concerns that money from online gambling sites were being used to finance terrorism, especially after the 9/11 attacks, prompted the passage of this Act. The UIGEA's goal is to provide United States law enforcement with new and more effective tools to take the fight against overseas online gambling companies that illegally offer their services to United States citizens over the Internet. By targeting the flow of money to online gambling operators rather than to individual gamblers, the move is symbolic of the first and only federal law that specifically addresses internet gambling.

In its development, this Law has been challenged in the implementation process. Morse (2009) in the journal *Survey of Significant Developments in Internet Gambling* explains that state governments face jurisdictional constraints in enforcing this law. The journal mentions a case in the state of Kentucky where a court denied the seizure of a gambling site's domain because it did not fit the country's legal definition of "gambling equipment." This case reflected jurisdictional constraints and legal perception issues on the handling of online gambling. In the end, the journal

stated that this UIGEA policy reaped pros and cons. Some policymakers or states would rather legalize online gambling than prevent gambling itself. Massachusetts Representative Barney Frank has proposed a bill that essentially wants to overturn UIGEA regulation, and would allow internet gambling. Representative from Washington Jim McDermott has also proposed related legislation regulating and taxing internet gambling.

In line with this opinion, Siemens & Kopp (2011:291) in a journal entitled *The Influence of Online Gambling Environments on Self-Control* explained that some states have begun to consider legalizing and taxing online gambling. Several states have active laws regarding online gambling, including New Jersey, California, Florida, and Connecticut. But with overlapping policies where states have their own active regulations, U.S. customers have faced ambiguity and unclear policies. Strong regulation can protect consumers from fraud, compulsive behavior, and underage gambling. Regulation can also help control consumer spending and prevent excessive losses. Siemens & Kopp (2011:291) add that good regulations need to be drafted in order to prevent excessive wastage of money and loss, but on the other hand overly strict regulations can also limit consumer access to legitimate and responsible entertainment. Thus, government and industry efforts to address online gambling can have a major impact on consumer policy and health.

Pakistan Online Gambling Promotion Policy

In addition to the United States, online gambling has also penetrated countries

with a majority Muslim population such as Pakistan. Rehman, et al., (2023:398) in a journal entitled “Shuffling Desires: An Exploration of Gambling Motivations among Pakistani Card Players” explains the significance of legality and ethical considerations in shaping the motivation to commit gambling acts, especially in countries such as Pakistan where gambling is supervised by The Prevention of Gambling Act 1977. Despite this, the practice of gambling remains popular in Pakistan, especially in the form of Parchi-Jua (the name of gambling in Pakistan), despite the ban. This illicit activity is still ongoing reflecting the impact of cultural and contextual factors in shaping gambling motivation in the country.

Before delving into the laws, there are two main reasons why gambling is prohibited by the Pakistani government. The first is ethical considerations; gambling is seen as a sinful act that does not align with Islamic principles. The Qur’an, the holy book of Islam, states that “those who believe, do good deeds, establish prayer, and regularly give charity will receive rewards from their Lord without feeling anxious or sorrowful” (ProPakistani & Arslan, 2023). Beyond religious beliefs, gambling is also viewed as a social issue in Pakistan, often associated with corruption and criminal activities. There are many stories of people facing financial difficulties due to gambling addiction.

The second reason is economic. According to the same source, a report from the State Bank of Pakistan in 1994 estimated that more than half of the currency transactions in Pakistan at that time were related to illegal gambling

activities. This illegal gambling industry is believed to harm the government’s tax revenue sector. Therefore, the government banned gambling to curb these activities and protect its citizens from potential harm. The government also imposes strict penalties on anyone involved in illegal gambling, ranging from fines to imprisonment, depending on the severity of the offense. Nevertheless, illegal gambling continues to persist in Pakistan to this day (ProPakistani & Arslan, 2023).

Rehman, et al., (2023:398) also wrote that the Prevention of Gambling Act of 1977 comes from the Public Gambling Act of 1867, which was British colonial law. This law prohibits gambling in general. Despite the ban, Parchi-Jua has developed into a major alternative to conventional casinos in some areas of Pakistan. The study identifies five main aspects that motivate gambling behavior, including psychological factors, social factors, financial, entertainment and management factors, as well as legality and ethical concerns. In psychological factors, including emotional involvement, sensation, and tension. Social factors include social context, social perceptions, and social bonds. Financial factors include financial needs and financial management. Entertainment and management factors involve game preferences, game settings. In the end, Rehman et al., (2023:398) explained his view that Islam is the majority religion in Pakistan, and this religion has a strong stance against gambling, so this norm is what makes casinos or other gambling places not develop in Pakistan.

In addition to The Prevention of Gambling Act 1977, Pakistan also has regulations governing cyber-crime called

“Prevention of Electronic Crimes Act, 2016” (PECA). In the journal Khan & Nazhin (2021:318) It is explained that “Prevention of Electronic Crimes Act, 2016” (PECA) is a Pakistani law enacted on August 11, 2016 that aims to prevent electronic crimes such as fraud, misuse of personal data, and other crimes that occur online. However, PECA’s laws have come under heavy criticism for violating citizens’ most important rights, such as freedom of speech and privacy. The journal also noted criticism of its implementation because this law is considered to violate the basic rights of citizens, such as the right to freedom of speech and privacy, is one of the obstacles in the implementation of PECA. In addition, there are concerns about the ability of the PTA and other law enforcement agencies to access citizen data. In addition, PECA is considered ineffective and controversial in dealing with electronic crime that is increasing in the digital age.

Recently, the police arrested eight suspects for their alleged involvement in gambling on Pakistan Super League (PSL) matches through phone apps and other means. The operation was successful, and the police were able to seize several items, including mobile phones, plastic rings used in gambling, and a total of Rs. 8,000 in cash. While the authorities continue to crack down on illegal gambling activities, it is important to note that some brands have found a way to circumvent the law by sponsoring PSL teams. These brands, such as 1xBat on the Karachi Kings’ jersey and Melbat on the Lahore Qalandars’, use the PSL as a means to market their products or services, despite the illegality of gambling in Pakistan (ProPakistani, 2023).

Online gambling is illegal and of particular concern to Pakistan and the United States. Online gambling activities are carried out in the internet space so it needs to be seen how both countries punish crimes in the cyber world. Khadam et al (2023:12) in a journal titled How to punish cyber criminals: A study to investigate the target and consequence-based punishments for malware attacks in the UK, USA, China, Ethiopia & Pakistan examined the comparison of law enforcement enforced in several countries including Pakistan and the United States. The study shows significant differences in law enforcement related to malware crimes. Khadam et al (2023:12) explained that for malware crimes including criminal crimes in Pakistan, the law imposes a prison sentence of up to two years. However, these laws have been criticized for technological advances and emerging new crimes that can lead to injustice.

Unlike Pakistan, Penalties for malware-related crimes in the United States vary depending on the target and impact of the crime. For example, the Computer Crime and Abuse Act of 1984 imposes prison sentences of up to 20 years for offenders with criminal intent, and harsher penalties are given for crimes that cause harm to human life. The United States also implements target-based methods, where malware used to disrupt government or financial institution computer systems is a federal crime category.

This comparison shows that penalties applied for malware-related crimes in the United States and Pakistan differ. In Pakistan, punishments tend to be more general and less based on the consequences of the crime, whereas in the United States,

punishments are more diverse and based on the target and consequences of the crime. This difference suggests that punishment should be adjusted according to the level of crime committed as well as the effect of the crime committed. Therefore, there is a big difference in how the two countries deal with malware crime.

Foundation Principle of Communication Policy

Communication is growing more rapidly coupled with technological advances, with this development the impact given is also increasingly both positive and negative. Adequate laws are needed to maintain and control technological advances that are growing rapidly and can be used for things that are safe, clean, conducive, productive, and beneficial to society (Rohmy et al., 2021). With regulations, people will feel more organized so as to provide more detailed information about what can be done, should not be done, and sanctions that will be obtained if they violate these provisions. Technological advances have also made regulations inadequate, and making policies on traditional media biased and blurred the boundaries between communication industries and required appropriate regulatory differences (Napoli, 2001). Therefore, further review is needed in understanding technological developments, especially in the communication industry so as to create appropriate regulations and needed in carrying out social life to build peace and public peace.

Universal Service

Universal service is a way used to keep individuals connected to their

communities and environments and provide access to health, safety, and emergencies quickly and effectively (Napoli, 2001). In making regulations, policymakers must understand how public services are needed and provide benefits to the public. Where general services are divided into 3 main components, namely availability, affordability, and accessibility components. According to (McMenemy, 2022).

- a) The availability of a level where the value and quality of existing policies can be felt by all groups without giving privileges to certain groups.
- b) Affordability, a policy does not cause harm to the public or the state as a policy maker.
- c) Accessibility, states that the policies made must be well known and accessible to anyone and anywhere.

New services on the internet that we feel as a form of technological development are experiencing rapid growth. The government must be aware of restrictions in making appropriate regulations in providing comfort and security for the public in obtaining information through online media. This awareness needs to be fulfilled by the government which is more focused on increasing action, to provide easily accessible access to provide universal services to the community (McMenemy, 2022).

Compared to products and services-based industries, the digital industry has more challenges in building a complex provision ecosystem as a regulation (Marionneau et al., 2023). Prevention and reduction measures for the adverse effects of online gambling also need a

selective action and proven to help in reducing the risk of adverse effects of online gambling. As digitalization makes for better opportunities to recognize risks, online interventions can also provide easy access to solutions, especially when combined with personal support. That way, the government and the community can work together to provide and solve problems about online gambling better.

METHODOLOGY

This study adopts a qualitative descriptive approach to conduct an in-depth analysis of online gambling promotion policies in three different countries, namely Indonesia, Pakistan, and the United States of America (USA). Qualitative research can be used to analyze a social phenomenon and the way its reality is constructed. Qualitative research also provides an opportunity to analyze the complexity of the research object and the demands of the research object to make a more in-depth criticism (Denzin & Lincoln, 2011). The main focus of this research is on the ITE Law in Indonesia, the Prevention of Electronic Crimes Act (PECA) in Pakistan, and The Unlawful Internet Gambling and Enforcement Act (UIGEA) in the USA. This research aims to provide a comprehensive understanding of the legal framework governing online gambling practices in different global contexts.

The methodology of this study involves the use of a qualitative descriptive approach, which allows researchers to describe in detail the promotion policies of online gambling in each country. The object of research, namely related laws and regulations, will be explained in

depth to understand the legal foundation, purpose, and impact on online gambling promotion practices. The data collection technique applied in this study is a literature review, which is a way to collect data from sources related to the topics raised in the research (Anggraeni, et. al., 2021). The literature review was carried out using several keywords such as “online gambling”, “online gambling promotion”, “online gambling promotion in USA”, “online gambling promotion in Pakistan”. Researchers use scientific articles such as national and international journals, as well as articles or online news from various credible sources related to online gambling promotion policies in Indonesia, Pakistan, and the USA. This approach provides the theoretical foundation and relevant information to support comparative analysis between the three countries.

By combining findings from the ITE Law, PECA, and UIGEA, this study will present an in-depth analysis of the differences and similarities of online gambling promotion policies and how the countries are facing challenges from implementation of the regulation. In addition, the study also aims to identify the practical implications of such policies on the online gambling industry and society in general. Through this approach, it is hoped that this research can provide deep and contextual insights into the legal framework related to the promotion of online gambling, as well as its consequences and impacts in Indonesia, Pakistan, and the USA.

DISCUSSION

Indonesia, Pakistan, and the USA are republics country, yet they are founded

on different principles that shape their governance and societal frameworks. The United States is predominantly a capitalist nation, where the economic and political systems prioritize private ownership and free markets. In contrast, Indonesia's foundational ideology is Pancasila, a philosophy consisting of five principles that emphasize belief in one God, humanitarianism, national unity, democracy, and social justice. Pakistan, on the other hand, is a country where Islam significantly influences its state policies and governance, given that the majority of its population practices Islam.

These foundational differences lead to distinct approaches in managing various aspects of state affairs, including the regulation of online gambling promotions. In the United States, the capitalist ethos often aligns with more liberal regulatory environments, allowing greater freedom for businesses, including online gambling operators. Indonesia, guided by the principles of Pancasila, may approach such regulations with a focus on moral and social considerations that align with its national philosophy. Pakistan's Islamic foundation, with its emphasis on Sharia law, typically leads to stricter controls and prohibitions against gambling, reflecting the religious and ethical values of its society.

These varied approaches underscore the importance of understanding the underlying principles that guide each nation. This research aims to explore how these foundational differences influence the regulation of online gambling promotions in Indonesia, Pakistan, and the United States, providing insights into the complex interplay between national ideologies and regulatory practices.

Indonesia VS Pakistan Online Gambling Promotion Policy Comparison

In Indonesia, regulations that address the issue of prohibiting online gambling promotion can be found in the Electronic Information and Transaction Law (ITE), especially in Article 27 verse (2) and the sanctions are further elaborated in Article 45 verse (2). Article 27 verse (2) of ITE states that everyone is prohibited from intentionally and without the right to disseminate electronic information and/or electronic documents that have the content of insult or defamation. Therefore, online gambling promotions involving the dissemination of information through electronic media may be covered by these provisions. Sanctions imposed according to Article 45 verse (2) of the ITE can be in the form of imprisonment and/or fines. With this regulation, the government is trying to control the spread of online gambling promotions that are considered detrimental to the community and have the potential to create a negative impact on morality and social welfare. Despite this, the debate around this policy is still growing, with some supporting decisive action, while others argue that alternative approaches such as public education also need to be implemented.

Pakistan has strict regulations and a complete ban on gambling advertising, with the aim of protecting the public from the adverse effects of gambling and maintaining social order (Rehman, et al., 2023). The government's goal is to protect vulnerable individuals from the potential risks of gambling and addiction by prohibiting the promotion of gambling. Existing laws also contribute to the

maintenance of social order by preventing the adverse effects of widespread gambling. In addition, Pakistan's Electronic Information and Transactions Act (PECA), plays an important role in regulating online gambling, imposing licensing requirements as well as consumer protection measures. The law also empowers relevant authorities to supervise and take action against entities that violate the rules, with penalties for non-compliance aimed at preventing unlawful behaviors. The Pakistan Telecommunication Authority (PTA) also has the authority to restrict websites that advertise illegal gambling, contribute to a safe digital environment and protect the public from the negative influence of online gambling.

Pakistan's Prevention of Electronic Crimes Act (PECA) provides a legal framework for the investigation, prosecution and prevention of electronic crimes, including unauthorized access to information systems, data tampering, electronic fraud, cyber terror and harassment on social media. The law provides investigative powers to law enforcement agencies and provides procedures for collecting electronic evidence in law enforcement proceedings. In addition to law enforcement, as a Muslim-majority country, the country incorporates religious and cultural norms in legal alignment. Religion and culture play an important role in making gambling regulations and bans in Pakistan. Religious and cultural concerns over gambling determined the policy of prohibition of gambling in Pakistan. Gambling is considered a social disorder that has the potential to damage society. Therefore, the government of Pakistan is strongly committed to preventing

the adverse effects of gambling, such as addiction and material loss.

Universal Services as a Form of Policy Implementation

In the implementation of online gambling promotion policies, the government as a policy maker must provide universal services to industry players and users. In Pakistan, because there is not much in-depth information found about the study of the implementation of online gambling, so that researchers cannot dig deeper into the implementation of online gambling promotion in Pakistan. In addition, according to Khan & Nazhin (2021:318), intervention from the government in other forms states that if Pakistanis do not have broad freedom of speech in the real and virtual world, this makes Pakistani people more restricted in carrying out promotional activities, including online gambling promotions. This restriction on freedom of speech is in line with the public view that emphasizes the protection of society from the negative effects of gambling, especially from a religious and cultural perspective.

Although the implementation of policies in Pakistan in tackling violations related to online gambling promotion cannot dig deeper, the impact of restrictions on freedom of speech creates a special context in which people face limitations in participating in promotional activities, even those that are legal and regulated in nature. These restrictions not only affect promotions that are considered illegal but also strictly restrict promotional activities that are supposed to be legal and strictly regulated. This condition makes

Pakistanis more cautious in carrying out promotions, given the uncertainty and potential sanctions that can be imposed by the government. Moreover, in the context of non-freedom of speech, Pakistanis tend to avoid the risk of engaging in promotions that could be considered controversial or violate the social norms espoused in the country. As a consequence, while policy implementation may reduce online gambling-related offenses, its impact on freedom of speech and participation in overall promotional activities provides a unique dynamic in Pakistan's legal and social environment.

In the implementation of online gambling promotion policies in countries that provide full freedom of speech with restrictions that safeguard the human rights of others, Indonesia carries out regulations prohibiting online gambling promotion to maintain the nation's generation. Although in this country there is full freedom of speech with supervision of the human rights of other individuals, universal service in Indonesia still prioritizes moral values that are considered in accordance with the culture and norms of society. Influencers who have a large following on social media platforms are also required to consider the moral impact of the content they promote, especially related to online gambling which is clearly prohibited by law.

The moral burden that influencers bear on their followers is a serious concern for governments. Therefore, the Indonesian government carries out enforcement of laws and regulations against violations related to online gambling promotion more firmly. Sanctions given to perpetrators who are proven to violate regulations are

expected to have a deterrent effect and support efforts to maintain morale and protect the public from the negative effects of online gambling. Despite being active in enforcing laws on the promotion of online gambling, the Indonesian government still continues to experience problems from the many sites that promote new sites that continue to appear. As of 2022, the Indonesian government has blocked more than 400,000 sites, and the number is still increasing to this day.

United States USA (USA) Online Gambling Promotion Policy

Regulatory differences in online gambling promotion policies between Indonesia and USA arise when both have the basis that online gambling promotion in general is considered illegal. However, significant differences arise with the existence of special regulations in USA states that provide legality to the practice of online gambling. Several USA states recognized the potential for high income from the online gambling industry, so they decided to regulate and legalize the activity. Along with that, Ciaccio, Jr., (2010:12) notes that USA set stricter rules related to online gambling that can be suspected of being involved in financing terrorist activity.

In this context, the USA's government tends to be more selective in granting licenses to online gambling companies operating abroad. National security factors and the potential involvement of gambling in terrorist activities are the basis for the USA's government to maintain strict regulation of this. On the contrary, Indonesia has remained in a stance prohibiting the promotion of online gambling without

providing special exceptions, reflecting a more conservative approach to online gambling activities. Thus, the difference in regulation between Indonesia and USA in terms of online gambling promotion illustrates the difference in approaches to gambling as a whole, both in economic and national security aspects. USA recognizes and regulates online gambling in more detail, while Indonesia remains in a position of prohibition as a restriction on technological advances that provide facilities for gambling which has been prohibited from the beginning oleh Crime Code di Indonesia (KUHP).

Universal Services in Policy Implementation

The United States, which consists of several states, has legalized gambling activities, including online gambling, in some of its territories. This decision was based on the high taxes imposed on the gambling industry, creating a significant source of revenue for the government. However, specifically, the prohibition against online gambling promotion is noted in The Unlawful Internet Gambling and Enforcement Act (UIGEA). This step was taken to restrict, monitor, and provide appropriate action against violations that occur in the context of legal online gambling in several states (Siemens & Kopp, 2011). Promotional activities carried out in the online gambling industry provide many limitations on the ability of organizers to carry out promotions, as stated in the previous foundation, public concern about the impact of online gambling accessed by children and adolescents makes promotions. This gambling is becoming more and more limited.

The United States pays special attention to online gambling organizers, especially those deemed illegal, on national security grounds. The suspicion that illegal online gambling operators can subsidize funds for terrorist activities confirms the importance of maintaining state security Ciaccio, Jr., (2010:12). The UIGEA also noted problems arising from foreign operators, and in response, the United States applied stricter provisions to foreign online gambling operators. The promotion is no exception, because especially for foreign and illegal organizers, online gambling promotion activities can result in blocking and even legal proceedings against criminal offenders who violate UIGEA laws in force in USA

These measures are not only aimed at avoiding conflicts between countries but also to protect the security and interests of the state. By implementing strict regulations against online gambling operators, both domestic and foreign, the United States seeks to reduce potential negative impacts, including national security risks and financial subsidies against terrorist activities, that may arise from online gambling activities. The difference in online gambling promotion between Indonesia and USA reflects the level of firmness of the government in enforcing the law. In Indonesia, there is still indecision of the government in handling cases of online gambling promotion, which is reflected in several reasons that allow online gambling promotion actors to avoid legal action. This indecision can create an opening for suspects to get away with online gambling promotion charges, given that there are several reasons that can be used as alibis.

On the other hand, USA shows a stricter level of law enforcement, especially in the context of maintaining the security of the country. The country has reached a stage where policies related to online gambling are geared towards preventing the use of funds from illegal online gambling activities to support terrorist activities. USA's focus on national security suggests stronger law enforcement to protect national interests. This difference could reflect differences in the assertiveness of the governments of the two countries towards the promotion of online gambling and its enforcement. Unlike USA, Indonesia has other problems in sanctioning violators of online gambling promotion regulations. When the server used to conduct the promotion is abroad and Indonesia does not have good diplomatic relations, then the government cannot impose penalties on the perpetrators whose servers for the promotion are outside Indonesia.

Diplomatic relations between countries are essential for effectively combating the widespread issue of online gambling. Many of the countries facing significant challenges with online gambling are developing nations. Consequently, the United Nations has not deemed this issue as urgent, leading to a lack of comprehensive discussions and actions on the matter. However, to prosecute online gambling operators whose servers are located abroad, strong diplomatic ties between the involved countries are crucial. Such cooperation ensures that legal actions against online gambling violations can be enforced both within Indonesia and internationally.

By fostering robust diplomatic relationships, countries can collaborate more

effectively in addressing online gambling threats, thereby contributing to global security and stability. This cooperation allows for the sharing of intelligence, legal assistance, and coordinated efforts to dismantle online gambling networks. Consequently, all nations can participate in safeguarding their sovereignty and protecting their citizens from the dangers of online gambling. This collective effort underscores the importance of international cooperation in maintaining global resilience against emerging threats.

CONCLUSION

Through table 1, it can be concluded that the regulation of online gambling promotion in Indonesia, Pakistan, and the United States is shaped by the foundational principles and societal values of each country. Indonesia's approach, rooted in Pancasila, emphasizes moral and social considerations, leading to strict prohibitions on online gambling and extensive efforts to block gambling websites. Pakistan's regulation is heavily influenced by Islamic law, resulting in an outright ban on gambling and associated promotions, with strict enforcement supported by legislation like PECA. The United States, with its capitalist ethos, adopts a more liberal stance, allowing online gambling in certain states under strict regulations while emphasizing national security concerns through laws like UIGEA.

These differing approaches highlight the importance of understanding each country's unique legal and cultural context in addressing online gambling. Diplomatic relations play a crucial role in combating online gambling, particularly

when dealing with operators based in foreign jurisdictions. Strong international cooperation is essential to enforce laws and dismantle online gambling networks, thereby protecting global security and the well-being of citizens. This research underscores the need for a nuanced

understanding of national ideologies and regulatory practices to effectively address the challenges posed by online gambling. This research is limited to the amount of data found, state cultural nuances, and legal complexities that may affect the comparative analysis.

Table 1. Compared aspect Indonesia, Paksitan, USA Online Gambling Promotion Regulation

Compared Aspect	Indonesia	Pakistan	USA
The Regulation	Electronic Information and Transaction (ITE) Law (2008)	The Prevention of Electronic Crimes Act (PECA) 2016	The Unlawful Internet Gambling and Enforcement Act (UIGEA) 2006
Implementation	Strict prohibition of online gambling.	Very strict, gambling is prohibited by Islamic law.	More liberal, some states allow online gambling with strict regulations.
Universal Service Aspect	Focus on moral values and societal norms, blocking gambling sites.	Emphasizes religious and cultural values, restricts freedom of speech for gambling promotions.	Emphasizes national security, stringent actions against illegal operators, especially foreign ones.

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