

Criminological Aspects on Gender-Based Exploitation: The Existence of Female Objectification in Online Gambling Promotions

Shinta Julianti¹, Lucky Nurhadiyanto², Jepri Gustiman³, Frida Nurrahma Masturi⁴,
Rin Rostikawati⁵

Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Jenderal Soedirman¹,
Fakultas Ilmu Sosial dan Studi Global, Universitas Budi Luhur²,
Fakultas Ilmu Sosial dan Studi Global, Universitas Budi Luhur³,
Fakultas Hukum, Universitas Jenderal Soedirman⁴,
Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Jenderal Soedirman⁵

Author's Email Correspondence: shinta.julianti@unsoed.ac.id,

ABSTRAK

Penelitian ini menganalisis secara kriminologis terkait eksploitasi berbasis gender, khususnya peran objektifikasi perempuan dalam promosi perjudian online untuk mencapai eksistensi. Metode penelitian yang digunakan adalah kualitatif deskriptif dengan teknik pengumpulan data melalui studi pustaka, observasi dan wawancara. Penelitian ini juga menggunakan pendekatan terhadap peraturan perundang-undangan dan pendekatan sosiologis. Hasil dari penelitian ditemukan bahwa promosi perjudian online secara sistematis menggunakan narasi dan visual yang mereduksi perempuan sebagai simbol daya tarik seksual menjadi sarana untuk mencapai kesenangan semu. Objektifikasi ini dilakukan melalui iklan yang vulgar, merepresentasi kebertubuhan perempuan yang menarik hasrat seksualitas. Secara kriminologis, praktik ini merupakan bentuk eksploitasi berbasis gender karena memanfaatkan kerentanan sosial dan ekonomi perempuan, memperkuat stereotip negatif, dan secara tidak langsung berkontribusi pada normalisasi kekerasan simbolik. Dalam perspektif hukum positif, perbuatan tersebut melanggar sejumlah regulasi diantaranya UU TPPO, CEDAW, UU ITE, UU Pornografi dan UU TPKS.

Kata Kunci: Perjudian Online; Objektifikasi; Eksploitasi; Perempuan; Kriminologi Feminisme

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ABSTRACT

This research analyzes from a criminological perspective the issue of gender-based exploitation, specifically the role of the objectification of women in promoting online gambling to achieve the existence of online gambling. The research method used is descriptive qualitative, with data collection techniques through literature study, observation, and interviews. This research also employs a legislative and sociological approach. The results of the research found that online gambling promotion systematically uses narratives and visuals that reduce women to sexual attractions or means to achieve false pleasure. This objectification is carried out through vulgar advertisements, representing the female body that attracts sexual desire. From a criminological perspective, this practice is a form of gender-based exploitation because it exploits the social and economic vulnerabilities of women, reinforces negative stereotypes, and

indirectly contributes to the normalization of symbolic violence. From the perspective of positive law, the act violates several regulations, including the Anti-Trafficking in Persons Act, CEDAW, the Electronic Information and Transactions Law, the Pornography Law, and the Sexual Violence Crime Law.

A. INTRODUCTIONS

Along with the rapid development of technology, human creativity has become more varied and increased than before. This makes aspects of information technology advancement beneficial to help complete tasks in everyday human life for children and adolescents to adults.¹ Indeed, the ease of internet access has positive and negative impacts. Humans find it easier to live their daily lives because of the positive effects. In contrast, the negative impacts include the ease of obtaining information that is not clear, bullying and violence on the internet, pornography, gambling, and other unlawful acts.²

In 2022, the National Commission on Violence Against Women received reports of 1,697 cases of gender-based violence. Of which 821 cases were cases of Online Gender-Based Violence (KGBO) and dominated by electronic-based sexual violence. After the enactment of the Law Nomor 12 Tahun 2022 concerning Crime of Sexual Violence, the law regulates sexual violence committed in the cyber realm as a form of violence.³ Other negative impacts were found from the results of research by Winarsih & Salsabila (2022), showing that online gambling harms the lives of Probolinggo students who are already familiar with online gambling, such as decreased academic achievement, resulting in addiction, and a lack of socializing with family.⁴

Cyber harassment is an act that is done in physical or non-physical forms in various ways, including taking pictures, looking at, showing sexual organs, sending pictures of sexual organs by contacting or asking someone to do something they don't want, which causes someone to feel insulted, unconstrained, depressed, or offended by

¹ Hendra Gunawan, Effects of Task-Technology Fit and Information Technology Utilization on The

Individual Performance of Employees among Industrial Manufactures in Batam, Jurnal Integrasi, Vol. 2, Number1, (2010). Pp. 34.

² Ardi Saputra Gulo, Sahuri Lasmadi & Kabib Nawawi, Cyber Crime dalam Bentuk Phising Berdasarkan LawInformasi dan Transaksi Elektronik, PAMPAS Journal of Criminal, Vol. 1, Number 2, (2020). Pp. 69.

³ Ni Nyoman Muryatini, Perlindungan Terhadap Perempuan Korban Kekerasan Berbasis Gender Online Dalam Era Digital, Jurnal Intepretasi Hukum, Vol. 5 Number 2, (2024). Pp. 969-976.

⁴ Nining Winarsih & Sofia Salsabila, The Phenomenon Of Internet Adiction Disorder Online Gambling In Probolinggo, ENTITA: Jurnal Pendidikan Ilmu Pengetahuan Sosial dan Ilmu-Ilmu Sosial, Vol. 4, Number 2, (2022), Pp. 193.

the behavior. If the sexual behavior occurs through electronic data media or the internet, it is called cyber harassment.⁵

In the era of digital disruption, gambling is back in virtual containers through websites on the internet. Online gambling websites began to develop in 1990, and they began to become an "internet sensation" in the early 2000s.⁶ Online gambling using the internet is a crime that is prohibited by law. We classify gambling activities as crimes because they breach relevant laws and deviate from community norms. When viewed from a sociological perspective, this gambling is detrimental to the perpetrators and society, which causes a loss of balance, peace, and order.⁷ Based on Article 303 Paragraph (1) KUHP, anyone who organizes or participates in gambling in a public place or in a place that can be seen by many people shall be punished with imprisonment for ten years, and Paragraph (3) stipulates that what is meant by gambling is every game where, in general, the possibility of making a profit depends solely on luck and also because the players are better trained or more skilled.

Online gambling is classified as a cybercrime due to its use of the internet as a tool to commit crimes that could potentially harm other internet users. Every person intentionally and without the right to distribute, transmit, and make accessible electronic information or documents that contain gambling is prohibited. Online gambling falls into the category of criminal acts, and one of the efforts to combat this crime is by having a policy, which is an effort to combat crime.⁸

The Ministry of Communication and Informatics (Kominfo) stated that it has cut off access or blocked 566,332 digital content containing game elements, including digital platform accounts and game websites sharing materials related to gambling activities in 2022. Specifically, there were 84,484 contents in 2018; 78,306 contents in 2019; 80,305 contents in 2020; 204,917 contents in 2021; and 204,917 contents from 2022 to August 22.⁹

Online gambling and women have become almost inseparable with the advancement of the times. The negative impact of technological advancements is evident in the use of attractive women in online gambling advertisements. Women are used as symbols in commercial art that is displayed through advertisements and consumed by society, so that women's positions are potentially exploited.¹⁰ As a result of this development, exploitation has become increasingly prevalent in all aspects of life, including the representation of women's bodies, particularly on social media. This often

⁵ R. Arif Muljohadi, Analisis Yuridis Kejahatan Online Berbasis Gender dalam Perspektif Hukum Positif dan Hukum Pidana Islam, *The Jure: Journal of Islamic Law*, Vol.1 Number2 Juli, (2024).

⁶ R. T. Wood & R.J. Williams. *Internet Gambling: Past, Present, and Future*. Elsevier, (2007).

⁷ M. Ikhsan, Faktor-Faktor Penyebab Terjadinya Perjudian Online Melalui Media internet Yang Dilakukan Oleh Mahasiswa Di Kota Pontianak Ditinjau Dari Sudut Kriminologi, *Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan*, Vol. 3, Number 3, (2015).

⁸ Rila Kusumaningsih & Suhadi, Penanggulangan Pemberantasan Judi Online di Masyarakat, *ADMA: Jurnal Pengabdian dan Pemberdayaan Masyarakat*, Vol 4 Number 1, (2023).

⁹ Kominfo Telah Blokir 534.183 Situs Judi Online, <https://aptika.kominfo.go.id/2022/08/kominfo-telah-blokir-534-183-situs-judi-online/>, diakses 19 September 2024.

¹⁰ Tomogola, T. A. *Ketimpangan Gender dalam Jurnalistik*. Yogyakarta: PMII-INPI Pact, (1998).

occurs on social media for example, when people's perceptions of beautiful women are discussed. White skin transmits a noble message to society, leading the subconscious to perceive beautiful women as white.

Delmira Syafrini's study, "Women in the Snare of Mass Media Exploitation," published in the *Humanus Journal*, Department of Sociology, Faculty of Social Sciences, Padang State University, explains how market strategies, as a sign of exploitation of women's bodies with the existence of mass media, especially for image engineering, make women targets and even become the main "victims," blurring the identity of Indonesian women in the name of forming self-esteem.¹¹ Online gambling involves the use of women as "tools" for objectification, colored by acts of exploitation such as stereotypes and commodity sales. The exploitation of women's body parts, particularly through the use of female avatars that highlight their physical conditions, has been a long-standing phenomenon. Additionally, social networks continue to exploit women through advertisements and marketing tactics that capitalize on the beauty of their bodies. A woman's body is a valuable commodity. According to Bungin (2003), mass media are not social units that are free from the values of their society in general. Occasionally, the mass media lack moral controls, which can lead to women being exploited.¹²

Some online gambling administrators use the profiles of young, white, and beautiful women as part of their marketing to attract potential online gamblers. The commodification path they pursue also delves deeply into the potential libido of the human body, treating it as a commodity, to generate financial profits from the commercialization of women's bodies.¹³ Women, working as online gambling admins, are subjected to various forms of virtual sexual harassment. The main strategy in this phenomenon involves using women, even the primary victims, to pique players' interest and sustain the existence of online gambling. A study entitled "Women's Gambling Behaviour, Product Preferences, and Perceptions of Product Harm: Differences by Age and Gambling Risk Status" in the *Harm Reduction Journal* by Simone McCarthy, Samantha L. Thomas, Melanie Randle, Amy Bestman, Hannah Pitt, Sean Cowlshaw, and Mike Daube discusses the involvement and losses experienced by women related to gambling, which continues to increase.¹⁴

Burton (2024) emphasizes that gender is not only about men and women, but also about social roles that are assigned and questioned in various contexts. Gender relates to perceptions and thoughts, and actions that are expected of women and men that are formed by society, not because of biological differences.¹⁵ Radical feminism argues that

¹¹ D. Syafrini. *Perempuan Dalam Jeratan Eksploitasi Media Massa*, *Journal Humanus*, Vol. XIII, Number 1, (2014), Pp. 26.

¹² B. Bungin, *Pornomedia: Konstruksi Sosial Teknologi Telematika & Perayaan Seks di Media Massa*, Jakarta: Prenada Media, (2003).

¹³ Syarifah, *Kebertubuhan Perempuan dalam Pornografi*, Jakarta: Yayasan Kota Kita, (2006).

¹⁴ Simone McCarthy & Thomas, Samantha & Randle, Melanie & Bestman, Amy & Pitt, Hannah & Cowlshaw, Sean & Daube, Mike, *Women's gambling behaviour, product preferences, and perceptions of product harm: Differences by age and gambling risk status*, *Harm Reduction Journal*, Article 15 No 22, (2018).

¹⁵ Burton, A. *Gender History : A Very Short Introduction*. London: Oxford University Press, (2024).

the structure of society is based on gender inequality, where men dominate women in the economic and social fields. According to MacKinnon (1979), the core of radical feminist analysis is the description of patriarchy as violence practiced by men and male-dominated organizations against women. Violence may not always be in the form of overt physical cruelty. Complex practices of exploitation and control, such as fashion and beauty standards, workplace harassment, low wages, and ideas about the role of mother, monogamy, and heterosexuality, can conceal violence.¹⁶

Through an analysis of radical feminist viewpoints, the author seeks to understand how the objectification of women in online gambling serves as a form of exploitation to entice players, generate profits, and sustain the industry itself, and how the positive legal perspective in protecting women who are objectified in online gambling.

B. RESEARCH METHODS

This study employs a qualitative research method focusing on descriptive research and analysis procedures. According to Strauss and Corbin (1990), the research procedure does not use statistical or quantitative elements (quantification).¹⁷ This study uses qualitative research to analyze data by describing or depicting information from source interviews. This research falls under the category of descriptive case study research. According to Yin (2009), case study research includes the study of a case in real life, in a contemporary context or setting.¹⁸

This study also uses an approach to legislation and a sociological approach. The data obtained from this study are primary and secondary data. Primary data comes from interviews, and secondary data is taken from literature in the form of scientific journals, research results, books, articles, and other publications. The primary and secondary data collected are then analyzed and described in the discussion, and conclusions will be drawn from the description. The feminist approach in qualitative research methods emphasizes the importance of understanding the social, cultural, and historical context in understanding gender issues and gender inequality.¹⁹ This study focuses on examining how an online gambling company's marketing strategy incorporates a form of objectification of women's bodies into its operations. For this study, online gambling company administrators and online gamblers were the research subjects.

C. RESULT AND DISCUSSION

1. Criminological Aspects of Gender-Based Exploitation: Analysis of the Role of Female Objectification in Online Gambling Promotions

During the COVID-19 pandemic, online gambling has become one of the main solutions for people to find additional money. The increasing number of online gambling site users has caused online gambling companies to experience an increase in their user

¹⁶ George Ritzer & Douglas J. Goodman, *Sociological Theory* Eight Edition, New York: McGraw-Hill, (2004), Pp. 507.

¹⁷ Salim & Syahrur, *Metodologi Penelitian Kuantitatif*, Bandung: Citapustaka Media, (2014).

¹⁸ J. W. Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (4th ed.), Thousand Oaks, CA: Sage, (2014).

¹⁹ Wahyuddin. *Pendahuluan dan Paradigma Riset Kualitatif*. In Wahyuddin, Nono Heryana, Yusmah, Zulkarnaini, Sulistiyani, Anna Sofia Atichasari, Ahmad Asroni, *Metode Riset Kualitatif* (Pp. 1-12). Padang: Get Press Indonesia, (2023).

statistics. Online gambling activities are seen as a criminal act that tarnishes the morals and social values of society, because, online gambling is the same as conventional gambling.²⁰ During the author's interview with the research subject, the online gambling administrator disclosed the precise locations of online gambling companies, many of whose activities remain undetected. It is not uncommon for many online gambling companies to still be actively operating and getting quite stable profits (Interview with Belvina, April 10, 2023).

Gambling is a serious problem that has far-reaching social, political, and economic consequences if not strictly monitored by government authorities. Article 27, Paragraph (2) of Law Number 11 of 2008, which has been amended by Law Number 1 of 2024 concerning Information and Electronic Transactions (hereinafter referred to as the ITE Law), stipulates that 'Any person intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and/or electronic documents that contain gambling content.' However, the elements of online gambling crimes have not been regulated in the ITE law, so it is very dependent on other laws that have regulated conventional gambling crimes.²¹ The Business Research Company states that online gambling can be classified as the sale of gambling activities on the internet when an organization, business, sole proprietorship, or partnership provides online gambling services such as online casinos, online bingo, online lotteries, online poker, online slots, bookmakers, sports, and others. Online gambling also allows people to bet money while playing anywhere. Furthermore, according to The Business Research Company, revenue from online gambling has increased significantly due to the COVID-19 pandemic. Restrictions on activities outside the home have resulted in people spending time in cyberspace; one such activity is online gambling.

2. Sexual Objectification of Women in Online Gambling Advertising

The widespread use of sex and sensuality elements in various media is inseparable from the application of the principle of commodity aesthetics. Controlling aspects of commodity aesthetics has become a core part of commodity art creativity, which is an important part of the industry managed and controlled by capitalists. The author conducted interviews with online gambling players, ranging from those who are no longer active to those who are still members of each site, and found that their primary motivation for playing online games was to generate large and rapid profits. In addition, the company uses the opportunity to interact with online gambling administrators as a marketing strategy, which is another driving factor (Interview with Asep, April 12, 2023).

The attractiveness of online gambling administrators often entices players to make deposits on their platforms. Companies use the objectification of women and the exploitation of their bodies as a profit-generating strategy. Mass media, especially advertising, has a significant role in forming attitudes and behavior that determine the

²⁰ Kuasa, Delfi Aurelia Jaya, Febri, *Online Gambling Phenomenon: Law & Society*, Widya Yuridika, Vol. 5 Number 2, (2022).

²¹ Fitria Damayanti & Abshoril Fithry. *Aanalisis Tindak Pidana Kejahatan Judi Online Berdasarkan Hukum Positif*. Prosiding Seminar Nasional Penelitian dan Pengabdian kepada Masyarakat 2 Tahun 2023 dengan tema "Inovasi Penelitian dan Pengabdian kepada Masyarakat menuju Indonesia Emas 2045.

status of women in society.²² These administrators purposefully create attractive profiles of themselves as part of their marketing strategies. Regardless of the female online gambling admin's true identity, the focus here is on the shape and attributes of women's bodies utilized in the online gambling transaction process (Interview with Belvina, April 10, 2023).

From this information, the author also solicited the opinions of several online gambling players who were deceived by the beautiful faces installed by online gambling admins, which ultimately turned out to be merely marketing techniques used by the company. However, their disinterest stemmed from their perception of women's bodies as mere objects to state their sexual desires. According to the statements of the players the author interviewed, it was revealed that online gambling players also exploited this opportunity to indulge their lustful desires through other sexual activities, which fell beyond the purview of an online gambling admin's duties (Interview with Ipin, April 14, 2023).

The author's interviews with online gambling players and admins reveal that the company's treatment of these individuals hinders women from realizing their rights. The company has indeed ensnared women from the outset, as they were initially informed during recruitment that they would be working in the advertising industry. However, in reality, they are employed by an illegal company that purposefully uses women as its primary marketing tools. Despite the absence of physical references in the WhatsApp profile, the company exploits women's bodies and beauty as a marketing tactic to profit from online gambling transactions.

3. Feminist Perspectives on the Exploitation of Women's Bodies in Online Gambling Marketing Strategies

This study discusses the involvement of women in online gambling. In this instance, the online gambling company objectifies women by using their bodies as tools in their marketing strategies. Therefore, the author's use of a feminist perspective and theory in this analysis is appropriate. This school of thought assumes that the structure of society is based on gender differences, where men dominate women in social and economic categories. In this case, men profit from women's subordination. According to MacKinnon (1979), the core of radical feminist analysis is the description of patriarchy as violence practiced by men and male-dominated organizations against women. Violence may not always be in the form of overt physical cruelty. Complex practices of exploitation and control, like the standardization of women's fashion and beauty, and workplace harassment, can conceal violence.²³

Data findings reveal the existence of objectification of women in the form of online gambling marketing strategies, where beauty and the shapeliness of women's bodies become tool to attract potential players. Players also use the standards of beauty and sexiness as symbols and measures of assessment. According to one of the sources, placing online bets is intended to satisfy sexual desires. Pornography is the creation of material that revolves around the exploitation, objectification, and 'contamination of women, as well as fear and hatred of women's bodies'. Meanwhile, pornography as the

²² Thadi, R. Citra Perempuan dalam Media. *Jurnal Syi'ar*, Vol. 14 Number 1, Pp: 27-38, (2018).

²³ Op.Cit, George Ritzer & Douglas J. Goodman, Pp. 506-507.

explicit sexual subordination of women. Pornography as sexually explicit graphics that subjugate women. These graphics can be in the form of images or words.

As stated by Ritzer & Goodman (2004), men create and perpetuate patriarchy not only because they have the resources to do so but also because they have an interest in making women a means of satisfying male desires. Men utilize women's bodies to satiate their neurotic needs.²⁴ In addition, women are used as labor. The company uses its marketing strategy to attract online gambling players, who are primarily men. Online gambling companies employ a marketing strategy to achieve their objectives. Based on the author's research results, several patterns or company strategies have been identified. The superior company uses social media platforms such as YouTube, Instagram, Telegram, and WhatsApp. The company creates fictitious accounts featuring stunning images of celebrities' bodies. As explained by the source, online gambling admins must follow company rules, which results in the exploitation of female online gambling admins.

With the persistence of patriarchy showing the gap between positive law and social practice, it answers why women are still the object of exploitation. Patriarchal culture is deeply rooted and places women's bodies as visual commodities that can be exploited for market interests, including online gambling. Other factors are social constructions that blame victims, and inequality of legal information also weakens the position of women.

Online gambling companies employ women themselves as their marketing admin staff, so in addition to witnessing women (even though the photos shown are not of themselves) being used as a tool to attract potential players, the admin staff themselves experience direct forms of harassment and exploitation. Furthermore, the resource person acknowledged that he didn't receive any prior information about his role as an online gambling admin when he initially applied for the job. Of course, this is a form of violation and exploitation.

Exploitation of women is defined as the use of women to meet a need. There are three types of exploitation of women: family members, partners, and other people or the community. The National Commission on Violence Against Women (2017) states that the exploitation of women is one of the 15 forms of violence against women. Feminism raises the issue of women's exploitation as evidence of real action against women.

Indonesia also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) through Law Number 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. Law Number 7 of 1984, which aims to establish de facto equality for women in society, requires the eradication of behaviors or practices that subjugate women or reinforce gender stereotypes. The state is required to take appropriate steps or actions to change the social and cultural behavior patterns of men and women to achieve the elimination of prejudice and customs, as well as all other practices based on the inferiority or superiority of one sex and stereotypical roles for men and women.

4. Positive Legal Analysis of the Exploitation of Women's Bodies in Online Gambling Marketing Strategies

²⁴ Ibid, Pp. 507.

The principle of gender equality is actually regulated in Article 28D of the 1945 Constitution, and violations of it can trigger lawsuits and corrective actions from state institutions. In addition, positive law also includes Law Number 21 of 2007 on the Eradication of Trafficking in Persons and Law Number 44 of 2008 on Pornography. The objectification of women in gambling promotions may also violate Law Number 32 of 2002 on Broadcasting, such as prohibiting broadcasts that degrade human dignity or contain pornographic elements. If it turns out that there is an element of coercion in the gambling, especially if the model used in the promotion does not have consent or is in a difficult and forced economic condition, then the perpetrator can be charged with Law Number 21 of 2007 concerning Eradication of Trafficking in Persons (TPPO Law) if it turns out to contain elements of coercion and exploitation. In reality, these regulations cannot be implemented optimally because there are no specific norms or regulations that explicitly regulate the exploitation of women in the digital realm, especially regarding gambling, making it difficult for perpetrators to be prosecuted. Then another problem arises when the protection of women's dignity must be faced with freedom of expression or the interests of the digital entertainment industry which has high economic value.

The use of the body and its representation as a commodity in capitalist culture has presented several problems, both concerning economic relations or the economic role of women and ideological relations. This means that the use of the body and its images signifies a social reality that is based on gender relations and is constructed according to the capitalist ideological system. Furthermore, discussions about ideology in the process of commodification, pornography, and erotica necessitate a cultural critique of the problem of commodities in capitalist society.

As the findings of the data that researchers found, online gambling players usually carry out these actions based on the element of self-dominance that considers men to be more ideal if they can dominate women, as well as self-dissatisfaction that drives online gambling players to get something else from online gambling admins, which is considered sexuality. Women's limitations in education, work experience, skills, job opportunities, and ideological factors push them into the lower echelons of the workforce, making them vulnerable to exploitation.

The research informant also experienced this, confessing that he was compelled to work due to necessity, despite ultimately being unable to tolerate the demands and harassment he faced. Discrimination manifests in this situation, where women in the secondary or informal sector face low wages, limited opportunities, limited promotion opportunities, and no social security.

According to Sagala and Rozana's five forms of women's exploitation, this phenomenon involves both sexual exploitation and forced labor. In cases of sexual exploitation, online gambling players use women as objects of pornographic activities that showcase their beauty and solicit sexual harassment, such as sending sexy photos, making video calls, or using sex phones.²⁵ In addition, another form of exploitation is forced labor, namely, where the online gambling admin staff who were the informants

²⁵ B. H. Tahir, & S. I. Dewi, *Eksplorasi Perempuan dalam Aplikasi Bigo Live Ditinjau dari Perspektif Feminisme Marxis-Sosialis*, JISIP: Jurnal Ilmu Sosial dan Ilmu Politik, Vol. 8, Number 1, (2019), Pp: 41.

felt lied to at the beginning of the recruitment process. Then, after the interview process, they were told the type of work. Despite the high legal risk, he continued to work for approximately one year due to the compulsion to fulfill his needs. After that, he left because he couldn't stand it anymore.

According to Satjipto Rahardjo, the law must be able to develop in accordance with the times so that the law must be able to adapt to changes in today's society. The development of types of crimes in the cyber era, in this case women as objects of activity in online gambling, demands the law to regulate more deeply and more complexly as a form of legal certainty for society. With TPKS law, it is hoped that it will be a good step as a form of prevention of sexual violence and protection of victims.²⁶

Article 4 TPKS law regulates criminal acts that include sexual violence, namely non-physical harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. Online gambling players who use women as objects of pornographic activities are included in the form of gender-based violence against women online, where this is revictimization and criminalization of victims. The existing legal policies have not been adequate and ignore the complexity of violence.²⁷

In terms of law enforcement in cases of gender-based violence against women, it is often considered a cybercrime in general, so it is referred to the cyber unit instead of the PPA unit. Law enforcement officers more often use the ITE law and Pornography law; this results in victims being in a very vulnerable position and not getting the right to handling and recovery as regulated in the TPKS law.²⁸

According the opinion of Soerjono Soekanto, that in law enforcement there are factors that can influence and have meaning so that law enforcement can have positive and negative impacts that lie in these factors. The obstruction of law enforcement occurs because of the imbalance between values, rules, and behavioral patterns so that law enforcement is difficult to realize. The problem of law enforcement lies in the factors that influence it, these factors include legal factors, law enforcement factors, facilities and infrastructure factors, community factors and cultural factors. The importance of a strong legal framework in the digital era to ensure a safe and accountable online environment in Indonesia.²⁹

One of the legal factors referred to is the law itself, where there are no implementing regulations to implement the law, and the unclear wording of the regulation can lead to multiple interpretations. A law that has been passed and is in effect, but if within the specified time limit there are no or have not been made implementing regulations as a mandate of the law, then it can have an impact on several articles in the law not being able to be implemented. In terms of legal sanctions according to the KUHP and ITE law, there are differences. According to the KUHP, the sanctions

²⁶ Op. cit. Ni Nyoman Muryatini.

²⁷ Iqbal Kamalludin. Women and Children as Victims of Financial-based Violence in Online Gambling Circles: A Criminological Approach to Criminal Law and Rehabilitation Policy in Indonesia. *Sawwa Jurnal Studi Gender*, Vol 19 Number1, (2024).

²⁸ Op. Cit. Ni Nyoman Muryatini.

²⁹ P. Sari et al, The Application of Criminal Sanctions to Law Enforcement Officers Involved in Online Gambling, from the Perspective of Legal Positivism, *Indonesian Journal of Innovation Studies*. Vol. 25, (2023).

given are alternative, where the perpetrator can choose between imprisonment or a fine. While the sanctions in the ITE law are cumulative alternatives, where the violators can be subject to imprisonment only, a fine only, or imprisonment and a fine simultaneously.³⁰ The difference in sanctions regulated in the KUHP and ITE law gives rise to interpretations where the sanctions applied in the KUHP appear lighter than the sanctions ITE law, although in essence the deviant acts are both gambling acts.

The supporting facilities factor for law enforcement is the facilities available to support law enforcers to achieve legal goals. According to Soerjono Soekanto, law enforcement actions will be difficult to run smoothly without adequate facilities or facilities in the field of preventing and eradicating criminal acts. These supporting facilities include educated and expert human resources, adequate tools, sufficient money, and others.³¹

Cultural factors are social values that apply in society where these values are used to assess which actions are good and which are bad. In the case of online gambling, actions that are not justified in society, the existence of legal uncertainty that has been explained previously shows that the social values of society have not been fully realized in Indonesian laws and regulations.³²

Gambling in principle violates religious norms, morality and Pancasila morals, and can endanger the survival of society, nation and state. Proof of online gambling can be done using proof of transfer and email as regulated in the ITE law.³³ Although in its implementation it still requires its implementation.

D. CONCLUSION

Companies use marketing strategies to attract potential gamblers, primarily men, which reflect the objectification of women in online gambling as a profit-driven practice. In this scenario, companies utilize the beauty and voluptuousness of women's bodies as a tool to draw in potential players. Players also evaluate the standard of beauty and sexiness, using it as a symbol and metric. As conveyed by one of the sources, the purpose of online gambling is to satisfy their sexual desires through actions that harass women, both women as online gambling admins and women through their bodies used by male online gambling admins. Examples of such actions include requesting sexy photos, inviting video calls, sending sexting messages, and using a sex phone. It is impossible to separate the widespread use of sex and sensuality elements in various media from the application of commodity aesthetics principles. These online gambling administrators intentionally create beautiful profiles of themselves as part of their marketing strategies. Regardless of the true identity of the female online gambling admin, the focus here is on

³⁰ Lakoro, A., Badu, L., & Achir, N. Lemahnya Kepolisian Dalam Penanganan Tindak Pidana Perjudian Togel Online. *JURNAL LEGALITAS*, 13(01), 31-50, (2020), Pp. 32.

³¹ Ramdhani, H., Fauzi, M., & Tiga, A. M. Otoritas Negara dalam Penegakan Hukum terhadap Pemberantasan Situs Judi Online di Indonesia. *LEX SUPREMA Jurnal Ilmu hukum*, 2(2), (2020), Pp. 71.

³² Siregar, N. F. Efektivitas Hukum. *Al-Razi*, 18(2), 1-16., (2018), Pp. 15-16.

³³ Listiyanto, Edward Cevy Arpangi, Arpangi, Implementation Effectiveness Of Police Role In Eradication Of Online Gaming Crime In Digital Era, *Law Development Journal*, Vol. 3 Number 2, (2021), Pp. 362.

the shape and features of women's bodies utilized in the online gambling transaction process.

The study's findings also revealed that the marketing strategy used by online gambling companies is a form of exploitation of women. The company initially ensnared women in this environment, as they were informed from the outset of recruitment that they would be working in the advertising industry. However, in reality, they are employed by an illegal company that purposefully uses women as its primary marketing tools. Despite the absence of physical references in the WhatsApp profile, this phenomenon involves companies trading women's bodies and beauty for profit in online gambling transactions. Based on the five forms of exploitation of women in this phenomenon, what occurs is sexual exploitation and forced labor.

In the perspective of positive law, the act violates a number of regulations including the TPPO Law, CEDAW, ITE law, Pornography Law and TPKS Law. Although there is a legal basis, law enforcement is still weak due to the inconsistency between legal norms and their practices in society, as well as the lack of specific regulations that address the exploitation of women in the digital.

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