

The Prospect of Legalizing Casinos with Strict Regulations as a Strategy for Optimizing State Revenue and Social Control in Indonesia

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Informasi Artikel	Abstract
<p>E-ISSN : 3026-6874 Vol: 3 No: 10 October 2025 Page : 30-38</p>	<p><i>The discourse on casino legalization in Indonesia arises as a response to the widespread illegal gambling that remains difficult to eradicate despite being prohibited under the Criminal Code (KUHP), Law No. 7 of 1974, and the Electronic Information and Transactions Law (ITE). The gap between legal norms (das sollen) and social reality (das sein) shows that prohibition alone has not been effective. This research uses a qualitative method with a normative juridical approach based on legislation and a comparative approach, particularly examining Malaysia and Singapore, which have successfully managed casinos through strict regulations. The findings indicate that casino legalization in Indonesia could serve as an alternative fiscal policy, provided that clear regulations are established, ensuring economic benefits such as increased state revenue and effective control over illegal gambling, without undermining national morals and values.</i></p>

Abstract

Wacana legalisasi kasino di Indonesia muncul sebagai respons atas maraknya perjudian ilegal yang sulit diberantas meskipun telah dilarang melalui KUHP, UU No. 7 Tahun 1974, dan UU ITE. Kesenjangan antara norma hukum (*das sollen*) dan realitas sosial (*das sein*) menunjukkan bahwa larangan semata belum efektif. Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis normative berdasarkan perundang-undangan dan pendekatan komparatif, khususnya dengan Malaysia dan Singapura yang telah berhasil mengelola kasino melalui regulasi ketat. Hasil penelitian menunjukkan bahwa legalisasi kasino di Indonesia dapat menjadi alternatif kebijakan fiskal dengan syarat adanya regulasi yang jelas, manfaat ekonomi berupa peningkatan penerimaan negara dan pengendalian perjudian ilegal dapat tercapai tanpa mengorbankan moral dan nilai bangsa

Kata kunci : Legalisasi Kasino, Regulasi Ketat, Hukum Responsif, Optimalisasi Pendapatan Fiskal, Nilai Sosial dan Moral

INTRODUCTION

As a developing country, Indonesia requires significant funding sources to realize national development and public welfare amidst the rapid growth of various sectors. One strategic step the government has taken is optimizing state tax revenue, which serves as a key component of the State Budget (APBN). (Monika dkk., 2025)

In May 2025, the idea of legalizing casinos in Indonesia emerged. The reason for this discussion was several economic considerations, which were considered to offer strategic benefits to the country. First, casinos have the potential to increase state revenue through taxes, which could become a new source of income. Second, the casino industry also creates jobs, both in primary and supporting sectors such as tourism, hospitality, and retail. Legalizing casinos provides the government with an opportunity to more strictly regulate gambling practices and suppress illegal gambling activities.

A casino is a facility or place specifically designed to host various types of games based on betting or gambling. Generally, casinos serve not only as gambling venues but also as part of the entertainment and tourism industries, often integrated with hotels, restaurants, shopping centers, and even tourist resorts. To legally conduct gambling activities, companies must obtain permits from the government where they operate. Countries that permit legal casino operations typically impose very high income

taxes. The tax levied on the government can reach 50% of a company's revenue. (Direktorat Jenderal Pajak., 2025) This makes the casino industry not only an entertainment sector, but also a strategic instrument for optimizing state revenue.

Gambling is considered a criminal offense and has been expressly prohibited in the Indonesian legal system as regulated in the Criminal Code (KUHP) and the Electronic Information and Transactions Law (UU ITE). (Gustina dkk., 2025) This makes the discourse on legalizing casinos controversial, with moral and social considerations also being considered. Some people believe that legalizing casinos is inconsistent with the nation's morals and values.

According to some people, the legalization of casinos is seen as contrary to the religious and cultural norms of a nation that upholds ethics and morality. Indonesia, as a country with a Muslim majority, has a religious basis that rejects all forms of gambling, as stated in the Qur'an Surah Al-Maidah verses 90–91. It is also considered to lower morality and open up opportunities for social deviance such as gambling addiction, crime, family disintegration, and trigger changes in lifestyle towards consumerism and materialism. The public believes that gambling can have a significant negative impact, both financially and emotionally. (Hisyam dkk., 2025)

In Indonesia, law enforcement still faces various challenges, including an imbalance between the ideal normative law (das sollen) and the reality of its application in society (das sein). (Sulthanah & Ginting, 2025) Although gambling is prohibited by law in Indonesia, its illegal practice remains rampant and difficult to control. Prohibition alone has proven ineffective and detrimental to both society and the state. (Nurharirah dkk., 2025) Therefore, the state needs to consider specific regulations regarding casinos. With legalization accompanied by strict oversight, gambling activities can be shifted to official channels that are controlled, transparent, and simultaneously generate revenue for the state.

Economically, legalizing casinos is seen as having significant potential to optimize state revenue through taxes and levies. Countries like Malaysia and Singapore have proven that with strict regulations and effective oversight, casinos can be legally operated without undermining the moral fabric of society. Indonesia experienced a similar experience during the reign of Governor Ali Sadikin in Jakarta from 1967–1973. (Adinda, 2025) At that time, gambling was legalized in the form of casinos and nightclubs for economic reasons, namely to increase regional revenue for the capital's infrastructure development. However, the wave of opposition from religious groups, social activists, and students at the time demonstrated that the legalization of gambling was not entirely socially and culturally acceptable in Indonesia. This resistance highlighted the conflict between economic interests and moral values held by the community, ultimately rendering the policy unsustainable.

The urgency of this research lies in the country's need to find alternative sources of fiscal revenue amid rampant illegal gambling practices despite laws that strictly prohibit it. Previous studies on gambling in Indonesia have mostly focused on criminalization and eradication efforts. Studies on the legalization of casinos as a fiscal strategy are relatively limited, leaving room for this study to fill *the research gap* in academic literature. In response to this issue, this study aims to academically examine the possibility of legalizing casinos as a strictly regulated policy alternative. The goal is to find a regulatory model that can provide economic benefits for the country and suppress illegal gambling, while maintaining the nation's morals and values.

As a theoretical basis, this study uses responsive law theory, which states that laws should be adaptive to social realities, rather than simply prohibiting without providing effective solutions. (Arianto, 2010) Furthermore, according to the theory of legal certainty, the existence of regulations that are not consistently enforced actually poses a threat and opens up opportunities for violations. Thus, the legalization of casinos in Indonesia with strict special regulations can be a solution for controlling and supervising gambling practices. This study aims to assess the prospects of casino legalization as a form of regulation that is adaptive to social realities, as well as a strategy for optimizing state revenue under strict legal supervision.

METHOD

This research uses a qualitative method with a normative legal approach, namely by examining applicable laws and regulations, particularly the Criminal Code (KUHP), Law No. 7 of 1974 on Gambling Control, and Law No. 11 of 2008 on Electronic Information and Transactions (EIT Law). (Hafidzi, 2024)

as well as a *comparative approach* by examining casino legalization policies and practices in other countries such as Malaysia and Singapore.

The data sources in this study include primary legal materials in the form of laws and regulations, secondary legal materials in the form of scientific journals, academic articles, and related literature, as well as tertiary legal materials in the form of information from the mass media relevant to the discourse on casino legalization. Data analysis was conducted qualitatively to produce an in-depth understanding of the prospects for casino legalization in Indonesia with strict regulations.

RESULTS AND DISCUSSION

A. Legal Basis and Social Reality

Gambling is a form of deliberate and conscious betting, namely by risking a value or something that is considered valuable with awareness of the risks and certain hopes on events, games, competitions and incidents whose results are uncertain.(Hura dkk., 2024) All forms of gambling in Indonesia are categorized as criminal acts as regulated in the Criminal Code (KUHP), specifically Articles 303 and 303 bis, as well as Law Number 7 of 1974 concerning the Control of Gambling.(Republik Indonesia, 1974) Article 303(1) of the KUHP explicitly states that any person who intentionally offers or provides opportunities to gamble, makes it a livelihood, or participates in a gambling business, may be subject to a maximum prison sentence of ten years or a fine of up to twenty-five million rupiah.(Moeljatno, 2018)

Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), which has been amended several times, most recently by Law Number 1 of 2024. Article 27 paragraph (2) of the ITE Law regulates the prohibition of distribution, transmission, and access to gambling content, with criminal penalties of imprisonment and fines.(Saputra dkk., 2025) Islamic law also contains verses from the Qur'an that prohibit gambling, namely in Surah Al-Baqarah verse 219 and Surah Al-Maidah verses 90–91.(Nurharirah dkk., 2025)

The facts on the ground show that gambling is still widespread and difficult to combat. This situation demonstrates that there is a gap between the applicable legal norms and the social reality in society, so that a purely prohibitive approach has not been effective in providing legal certainty or optimal protection for the community. Based on Gustav Radbruch's theory of legal certainty,(Julyano & Sulistyawan, 2019) inconsistency in the application of the law actually creates uncertainty and opens up opportunities for violations, thus requiring a more realistic and adaptive legal approach to the conditions of society.

Despite Indonesia's total ban on all forms of gambling, public interest in casinos remains high. Due to the lack of legal means domestically, many Indonesians choose to gamble abroad, particularly in neighboring countries like Malaysia, Singapore, and Macau. This phenomenon demonstrates that the prohibition policy has not been entirely effective in curbing gambling behavior; it has merely shifted the activity to other jurisdictions where casinos are legal.

Data from Business Today Malaysia indicates that approximately 25% of casino visitors at Genting Highlands are from Indonesia.(Business Today Editorial, 2024) This activity actually causes the country's foreign exchange to flow out and undermines national economic stability, as Indonesians spend their money at foreign casinos without contributing anything to state revenue. Legalizing casinos in Indonesia would not only prevent foreign exchange leakage but also potentially increase the amount of foreign exchange coming into the country.(Tabina dkk., 2024)

This phenomenon shows that Indonesia's policy of prohibiting gambling has not addressed the root causes of social and economic problems in society. Rather than preventing gambling, the ban has created "cross-border economic leakage" in which potential state revenue is lost and legal controls have become ineffective. If casinos were legalized to a limited extent in Indonesia, these activities could be monitored, taxed, and directed to support national development.

B. Analysis of Casino Legalization in Other Countries

In Southeast Asia, Malaysia and Singapore have legalized gambling practices with strict regulations. Malaysia, despite being an Islamic kingdom, saw the first legal casino, the "*Casino de*

"Genting," opened in the early 1970s at the Genting Highlands Resort in Pahang.(Kathirvelu & Abd Rahman, 2024) The government maintained conservative rules, prohibiting Muslims from entering and gambling there. The ban on Malaysian Muslims entering the Genting Highlands casino is closely related to the authority of the State of Pahang. This policy was enacted in 1983, when the Sultan of Pahang, along with the state government, decreed that Muslims were prohibited from entering casinos. This rule is enforced by authorities and special officers in the casino area to ensure Muslims do not violate the provisions.(GOVERNMENT OF PAHANG GAZETTE, 2013) This policy is Malaysia's way of maintaining a balance between tourism interests and religious values. The Casino de Genting provides revenue for the Malaysian government through taxes on gambling revenue, fees on casino machines, and annual fees. Genting Group's revenue from the tourism and hospitality sector in Malaysia reached 6.42 billion ringgit (US\$1.4 billion) in 2023, the majority of which came from gaming revenue.(Lim, 2024)

Singapore, as one of the developed countries in Southeast Asia, has also legalized casinos, despite initially facing strong opposition, including from church circles, when planning to build casinos.(CNN Indonesia, 2025) However, Singapore, through the Casino Control Act 2006, permitted the establishment of Integrated Resorts (IRs),(Casino Control Act 2006 - Singapore Statutes Online) namely Marina Bay Sands and Resorts World Sentosa. The Singaporean government implemented strict regulations, restricting access for local residents by imposing high entrance fees on Singaporean citizens.(Light, 2007) The goal was to limit negative social impacts and control local community access to casinos. According to the upper class, gambling is not for wealth, but as a form of high-risk entertainment (high-end entertainment), in contrast to the lower class, who usually gamble for profit and wealth.

C. History of Casino Legalization in Indonesia

Indonesia experienced a period when gambling was limitedly legalized for economic purposes. This policy occurred during the administration of Governor Ali Sadikin of Jakarta (1967–1973). During this period, the Jakarta Provincial Government officially granted gambling business licenses, regulated by Law Number 11 of 1957 concerning General Regulations on Regional Taxes.(Presiden Republik Indonesia, 1957) Under this law, regional governments had the authority to collect taxes on activities that generated economic benefits, including entertainment taxes and gambling permits. The legalized forms of gambling at that time were called Nalo (*National Lottery*) and Lotto (*Totalisator Lottery*).(Lumaksono & Andayani, 2014)

This policy has drawn criticism from various circles, despite its significant financial impact. At the beginning of his leadership, Jakarta's development budget was only around Rp66 million, but after the implementation of the gambling legalization policy, regional revenues surged to around Rp89 billion. These funds were then allocated to the construction of schools, hospitals, road repairs, and other public infrastructure.(Gultom & Sidauruk, 2024)

One of the main factors behind the rejection and criticism of casino legalization in Indonesia is the concern that it will damage national morals. Indonesia has strong social and religious values. However, within the framework of constitutional law, the state has an obligation not only to maintain public morality but also to ensure the welfare of the people through realistic policies. Philosophically, the concept of public welfare stems from the values of social justice and humanity, which balance individual rights with collective interests.(Rochaeni, 2025)

One of the sharpest criticisms of the legalization of casinos at the time was the view that taxes levied on gambling activities stemmed from something forbidden.(Ekaputra, 2023) In the context of a modern rule of law, the state's function is to regulate, not to legitimize. Taxes on casino activities are not a justification for gambling, but rather an instrument of social and economic control to ensure the practice is under legal oversight. As long as the proceeds are channeled to public benefits such as education, health, and social welfare, this revenue can be interpreted as the state's effort to minimize the greater harms of illegal gambling practices.

The policies implemented by Ali Sadikin demonstrate Indonesia's history of legalizing gambling with clear regulations and economic objectives. This historical fact demonstrates that legalizing gambling is not a new concept in the Indonesian legal system,(Nur Habibah, 2013) but rather a

successful economic policy with concrete results for regional development. This experience is crucial for reflection in the modern discourse on casino legalization. It demonstrates that with strict oversight and a strong legal basis, legalization can serve as a fiscal and social instrument, not simply an activity that conflicts with the nation's moral values.

D. Discourse on Casino Legalization in Indonesia with Strict Regulation

Legalizing casinos with strict regulations can be considered a more realistic policy alternative. Based on Nonet and Selznick's responsive legal theory, the law should be able to adapt to social needs and realities.(Arianto, 2010) Regulation of casino legalization does not mean unlimited gambling, but rather makes it a legally valid, controlled, and directly supervised activity by the state, while eliminating opportunities for illegal practices. Looking at casino legalization policies in other countries, such as Malaysia and Singapore, as countries that have successfully managed their casinos to optimize state revenue, both countries demonstrate the application of Nonet and Selznick's responsive legal theory, which states that the law functions not only to prohibit but also to adapt to the social and economic needs of society without violating moral or religious values.

The next theory, according to Gustav Radbruch, is that legal certainty requires clear, consistent, and enforceable rules, even if positive law is sometimes perceived as unfair.(Rahardjo, 2012) In Radbruch's view, the law must be able to provide justice, certainty, and benefit. Legalizing casinos can fulfill the latter two aspects: economic benefit for society and legal certainty for the state. In the context of gambling in Indonesia, this principle has not been fully achieved, because although prohibitions are stipulated in the Criminal Code and related laws, illegal gambling practices persist. This situation creates legal uncertainty, so legalizing casinos with strict regulations can be seen as an alternative to providing legal certainty while controlling gambling practices.

The discourse on legalizing casinos can be compared to state policies on the cigarette, alcoholic beverage, and nightlife industries, which have also sparked moral debate in society. All three have potential negative impacts on individuals and society, but the state has refrained from completely banning them and has instead adopted a regulatory approach, namely by limiting, monitoring, and imposing high taxes to keep these activities within legal control.

Indonesia's experience in regulating cigarette distribution can serve as an analogy to understand the urgency of legalizing casinos. Cigarettes are recognized as having negative health impacts and are even considered morally and socially detrimental because they encourage a consumptive and addictive lifestyle. However, the state does not prohibit their distribution but regulates it in Law Number 39 of 2007, which amends Law Number 11 of 1995 concerning Excise. This law stipulates that excise taxes are imposed on certain products, including cigarettes. In the context of cigarettes, the imposition of excise taxes aims to limit tobacco consumption, protect public health from the harmful effects of cigarettes, and prevent illegal trade practices that harm the state.(Aditya Ramadhan Harahap dkk., 2025) Supervision of alcoholic beverages is also regulated in Regulation of the Minister of Trade of the Republic of Indonesia Number 20 of 2014 concerning the Control and Supervision of the Procurement, Distribution, and Sale of Alcoholic Beverages.(Kementerian Perdagangan, 2019) This regulation limits the distribution of alcohol to certain places such as hotels, bars, restaurants, or tourist areas and prohibits its sale to minors.(Yuswanto dkk., 2025) This demonstrates that the state does not eliminate morally risky activities, but rather controls them to prevent them from damaging the social order.

Similarly, legalizing casinos is not understood as a form of support for gambling, but rather as a state effort to control this activity to prevent further losses. The imposition of high taxes and strict regulations on casinos can be positioned as an effort to control and prevent illegal gambling practices, while simultaneously diverting potential losses into legitimate revenue sources that benefit national development.

E. Prospects for Casino Legalization in Indonesia

If casino legalization is implemented in Indonesia, strict regulations will be required. This legal basis could be realized through a revision of Law No. 7 of 1974 or the creation of a specific law on

casinos that regulates licensing, supervision, and operational restrictions. Access should be limited, such as limiting it to foreign or non-Muslim tourists, while casinos should be located in international tourist areas or special economic zones, such as Bali or Batam, to minimize direct impacts on the community. Oversight should be carried out by a special agency authorized to prevent money laundering, audit finances, and impose strict sanctions for violations. High tax rates should also be imposed on casino operators, with proceeds allocated transparently to the education, health, and infrastructure sectors, so that the economic benefits can be felt by the community without sacrificing the nation's morals and values.

Casino oversight mechanisms must involve an independent body responsible for overseeing casino operations, finances, and regulatory compliance. This body could be similar to the Financial Services Authority (OJK), which has the authority to conduct audits, monitor financial transactions, and order the blocking of illegal accounts. Mandatory casino financial oversight includes regular reporting, independent audits, and the implementation of anti-money laundering standards to prevent money laundering.(Geno, 2019) Legal sanctions are tiered, ranging from large fines and revocation of operating licenses to criminal action for serious violations.

The prospect of legalizing casinos in Indonesia holds significant potential if implemented within a strict and measurable legal framework. According to data from the Central Statistics Agency (BPS), in May 2025, the number of foreign tourist visits to Indonesia reached 1,306,000, a 14.01% increase compared to the same period the previous year. Cumulatively, total tourist visits from January to May 2025 reached 5,634,214, a 7.44% increase compared to 2024.(Kementerian Pariwisata Republik Indonesia, 2025) This consistent growth demonstrates the enormous economic potential of tourism in Indonesia. By capitalizing on this momentum, legalizing casinos in international tourist destinations like Bali could become an economic strategy aimed at increasing foreign exchange and state revenue. The presence of strictly regulated casinos will not only attract foreign tourists with high purchasing power but also strengthen Indonesia's position as a competitive global tourist destination in Southeast Asia.

From a social and governance perspective, legalizing casinos also has the potential for more effective social and economic control. By moving gambling activities into a legal sphere supervised by the state, the potential for crimes such as illegal gambling, online fraud, and money laundering can be minimized. Revenue from casino taxes can also be used to fund social programs, such as education, health care, and public infrastructure development.

Legalizing casinos in Indonesia offers significant potential for optimizing state revenue through significant tax revenues, which can be used for infrastructure development, education, and public health. Through strict regulation and independent oversight, gambling activities are shifting from an illegal and difficult-to-control mode to a legal and transparent one. This not only reduces negative impacts such as crime and money laundering, but also opens up significant opportunities for job creation in the tourism, hospitality, transportation, and other supporting sectors, helping to reduce unemployment. Legalizing casinos in international tourist zones such as Bali and Batam can attract foreign investment and tourists with high purchasing power, thereby boosting the country's foreign exchange reserves. An effective regulatory model also limits access to foreign and non-Muslim tourists to maintain the nation's social and cultural norms.

At the same time, the state can still maintain national values and identity by setting clear boundaries, both in terms of who can access casinos and where they can operate. The discourse on casino legalization is not only a matter of moral controversy, but also how to addressing social realities that conflict with the law and identifying business opportunities that must be considered in policymaking. It is not just a matter of morality or religion, but also broader economic benefits. Legalization is not a form of permissiveness toward deviant behavior, but rather a regulatory strategy by the state to manage a social phenomenon that cannot be completely eliminated.

CONCLUSION

The discourse on legalizing casinos in Indonesia has emerged as a response to the country's need to find new sources of revenue while curbing illegal gambling practices that are difficult to eradicate. Legally,

all forms of gambling are still prohibited, but the legalization of casinos in other countries shows that with strict regulations, casinos can be managed without damaging the nation's morals and can even become a significant source of revenue. The legalization of gambling is not a new concept in the Indonesian legal system. A similar policy was implemented during the term of Jakarta Governor Ali Sadikin (1967-1973) and proved to have a significant economic impact on regional development. Based on this, the study shows that legalization regulated through clear and strict legal instruments can function effectively as a fiscal strategy, not merely as a form of moral deviation. Based on this, it is necessary to revise Law No. 7 of 1974 or to formulate a special law on casinos that regulates in detail the licensing mechanism, access restrictions, location determination, tax obligations, and a comprehensive monitoring system. The urgency of establishing specific regulations on casinos is not only to legalize gambling, but also to shift illegal practices into monitored activities, contribute to state revenue, and be controlled by strong legal instruments and obtain political and moral legitimacy, so that it can be carried out effectively without conflicting with the values and interests of the nation.

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