

## Criminal Liability of Children in Online Gambling Promotion and the Restorative Approach

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### Abstract:

#### Purpose:

The phenomenon of increasing involvement of children in online gambling promotion raises a complex legal dilemma, especially regarding the balance between protecting children's rights and providing criminal accountability. This study examines the effectiveness of the juvenile criminal justice system in Indonesia in handling online gambling promotion cases and assesses the urgency of implementing a restorative approach as a fairer and more recovery-oriented alternative.

#### Methodology:

The restorative approach emphasizes restoring relationships between perpetrators, victims, and the community, so as to avoid stigmatization and provide opportunities for children to improve their behavior.

#### Findings:

The results of this study confirm that the legal system must prioritize the principle of rehabilitation rather than punishment alone, in order to ensure the protection of children while preventing the recurrence of criminal acts.

#### Implication:

Thus, the application of restorative justice in cases of children involved in online gambling promotion is a strategic step to create a more humane and future-oriented justice system.

## INTRODUCTION

In today's digital era, the development of information and communication technology has brought significant changes in various aspects of life, including in media consumption patterns among children. Easy access to the internet and digital devices opens up new opportunities for children to explore cyberspace, but on the other hand also increases their risk of being exposed to potentially harmful content. One phenomenon that is of serious concern is the increasing involvement of children in online gambling promotions. Widespread online betting platforms not only expose children to gambling content, but also open up opportunities for them to be directly or indirectly involved in online gambling promotions. According to the report of the Indonesian Child Protection Commission (KPAI, 2022), the increase in internet use by children is directly proportional to the increasing risk of exposure to various forms of digital exploitation, including gambling promotions. This poses a threat to children's psychological and social development, and raises complex legal challenges related to the criminal liability of children in cases of online gambling promotions.

In the Indonesian criminal law system, the existence of children as perpetrators of criminal acts requires a different approach compared to adults. On the one hand, criminal law requires accountability for criminal acts committed, but on the other hand, children often do not have sufficient cognitive and emotional capacity to understand the consequences of their actions. Therefore, the application of retributive punishment to children is often ineffective in achieving rehabilitation goals and can worsen their psychological and social conditions.

The restorative approach has been put forward as a more humane alternative in dealing with children involved in criminal acts, including online gambling promotion. Restorative justice focuses on efforts to restore the impacts caused by the crime, and involves the active role of the perpetrator, victim, and community in the resolution process. With this approach, children involved in online gambling promotion are expected to be given the opportunity to improve their behavior without having to face punishment that could potentially damage their future.

Meanwhile, social engineering theory can be used to understand the social and psychological factors that influence children's involvement in online gambling promotion and as a basis for designing more effective legal policies. Social engineering in this context refers to strategic efforts to influence individual behavior through structural change, education, and social intervention. By applying this theory, legal policies can be focused on more effective prevention and rehabilitation aspects in handling cases involving children.

Thus, this research is expected to contribute to the development of more adaptive legal policies in protecting children from the negative impacts of online gambling and offer an alternative approach based on restorative justice that is more effective in handling this case.

## METHODS

This study uses a qualitative approach with a normative legal research method. The data used in this study come from primary, secondary, and tertiary legal sources. Primary legal sources include laws and regulations relevant to child protection and online gambling, while secondary legal sources include academic literature, legal journals, and reports from related institutions. Tertiary legal sources include legal dictionaries and legal encyclopedias.

The data collection technique is carried out through literature studies by reviewing various legal documents and previous studies relevant to this topic. The data that has been collected will be analyzed using a descriptive-analytical approach to describe how the Indonesian legal system handles children involved in online gambling promotions and evaluate the effectiveness of the restorative approach in this context. In addition, this study will examine the theory of social engineering as a conceptual basis for formulating more effective legal policies. Thus, this study not only provides legal analysis, but also considers the social and psychological aspects that contribute to children's involvement in online gambling promotions.

## RESULTS AND DISCUSSION

**The Phenomenon of Children's Involvement in Online Gambling Promotion.** The development of digital technology has made it easier for children to access the internet, but on the other hand, it has also increased their risk of inappropriate content, one of which is online gambling promotion. Children who are exposed to online gambling can experience negative impacts in terms of psychology, social, and education. In addition, they can also be unknowingly or influenced by other parties to be involved in online gambling promotion activities, either as advertisers or as distribution agents on digital platforms. This phenomenon creates legal challenges, considering that children often do not have full awareness of the legal implications of their actions.

Online gambling promotion among children is often done through various social media platforms and online games that they use every day. Marketing strategies carried out by the gambling industry often disguise promotions in the form of interactive games, hidden advertisements, or even through collaboration with influencers who have many young followers. With easy access and high visual appeal, this promotion can quickly spread among children without them realizing the consequences. The development of digital technology has made it easier for children to access the internet, allowing them to get various information, communicate with friends, and enjoy entertainment in various forms. However, on the other hand, this ease of access also increases their risk

of various content that is not appropriate for their age, one of which is online gambling promotion. Online gambling has grown rapidly in recent years, taking advantage of the digital gap to reach more users, including children and adolescents who are still in the cognitive and emotional development stage.

Children exposed to online gambling can experience negative impacts on various aspects of their lives. Psychologically, exposure to gambling activities can foster excessive interest in games of chance, trigger impulsive behavior, and increase the risk of addiction at an early age. Socially, children who become interested in online gambling can experience behavioral changes, including reduced interaction with their surroundings, a tendency to withdraw, and an increased risk of conflict with parents or peers. Educationally, involvement in online gambling can distract children from academic activities, disrupt their concentration in learning, and cause decreased achievement in school.

In addition to being passive targets, children can also be unknowingly or influenced by other parties to engage in online gambling promotion activities. They can be used as tools by parties who want to spread gambling advertisements through various digital platforms. In some cases, children are even encouraged to become advertisers or agents for spreading online gambling promotions through their social media accounts, either with the lure of prizes, commissions, or simply following viral trends. This phenomenon creates complex legal challenges, considering that children often do not have full awareness of the legal implications of their actions. Many of them may not understand that the activities they do can be considered part of a violation of the law that has the potential to carry serious consequences.

Online gambling promotion among children is often done through various social media platforms and online games that they use every day. The marketing strategies carried out by the gambling industry are not always carried out openly, but are often disguised in the form of interactive games, hidden advertisements, or even through collaboration with influencers who have many young followers. With easy internet access and high visual appeal, this promotion can quickly spread among children without them realizing the consequences. Online gambling advertisements are often packaged in an attractive form and use persuasive language, making it difficult to distinguish from other entertainment content. Some platforms even utilize gamification mechanisms, where children who interact with certain advertisements can get virtual prizes or certain points that further encourage them to engage further.

To overcome this problem, cooperation is needed from various parties, including the government, parents, educators, and digital platform providers. The government must tighten regulations related to gambling advertisements in cyberspace, including increasing supervision of platforms that are often used by children. On the other hand, parents have an important role in educating children about the dangers of online gambling and limiting their access to inappropriate content. Schools and educational institutions can also play a role by providing socialization and digital literacy to students, helping them understand the risks and impacts of involvement in online gambling.

In addition, digital platform providers must be responsible for ensuring that their services are not used to facilitate online gambling promotions that can reach children. Steps such as improving harmful content detection algorithms, age-based ad filtering, and implementing stricter policies against gambling promotions can be effective solutions. With coordinated efforts, it is hoped that children can be protected from exposure to online gambling and its negative impacts, so that they can grow and develop in a safer and healthier digital environment.

#### **Social and Psychological Factors That Make Children Vulnerable to Online Gambling Promotion.**

The development of digital technology has had a broad impact on human life, including for children and adolescents. Easy internet access and the widespread use of social media have opened up new opportunities for various industries, including the online gambling industry, to expand their reach. One increasingly worrying trend is the involvement of children in online gambling promotions, both directly and indirectly. Various social and psychological factors are the main triggers that make children more vulnerable to this influence. Socially, the environment and social circles have a significant impact on children's involvement in online gambling promotions

Children who grow up in an environment where gambling is considered normal or even profitable are more likely to be interested in and participate in the activity. An environment that is permissive of gambling often sees it as a harmless form of entertainment, without considering the financial and psychological risks it can pose. In addition, peer pressure also plays a big role. Children and adolescents often want to fit in with their peers, so if there are peers who are already involved in online gambling promotions, they are more likely to follow in their footsteps. This phenomenon is further strengthened by the existence of online communities that allow children to connect with others who share similar interests, including gambling.

In addition to environmental and social influences, social media and digital advertising are also major factors in increasing children's involvement in online gambling promotions. Online gambling companies actively use various digital platforms to attract the attention of potential players, including children and adolescents. Advertisements designed with attractive visuals, interactive animations, and the use of characters that children like make online gambling promotions increasingly difficult to avoid. Social media algorithms also contribute to expanding the reach of these advertisements, where content that is frequently consumed by users will continue to appear on their homepages. In many cases, children who are active on social media do not even realize that they are indirectly promoting gambling, for example by sharing links or following trends created by online gambling companies.

Lack of parental supervision is a big gap that allows children to be more easily involved in online gambling promotions. Many parents do not fully understand the risks of online gambling or do not have strict control over their children's online activities. This is especially true in families where parents do not have adequate digital literacy, making it difficult for them to monitor their children's activities in cyberspace. Some children even have free access to electronic devices without restrictions, so they can easily visit gambling sites or interact with related content without their parents' knowledge.

In addition to social factors, there are also psychological factors that make children more vulnerable to online gambling promotions. One of the main aspects is their lack of understanding of the risks of gambling. Children often do not have mature thoughts about the consequences of their actions. They may see gambling as a fun and profitable game without realizing its negative impacts. This is compounded by the way online gambling is promoted, which often shows big wins without highlighting the possibility of much higher losses. As a result, children are easily tempted to try or even recommend the game to their friends.

The desire to gain recognition from peers is also a major reason why children are interested in getting involved in online gambling promotions. In their stage of social development, children and adolescents often seek validation and recognition from their environment. They want to be considered cool, brave, or successful in the eyes of their peers. In some cases, they may see online gambling promotions as a way to show that they have knowledge or access to something that is considered exclusive by their group. They may also be motivated by prizes or incentives provided by online gambling companies, such as referral bonuses or commissions from every new player they recruit.

In addition, digital addiction and impulsiveness are other factors that make it easier for children to fall into the world of online gambling. Children who spend a lot of time in the digital world tend to be more impulsive and easily tempted by the lure of instant prizes or profits that are often offered in online gambling. Luck-based games are often attractive to children because they provide instant gratification and a sense of euphoria when they win. However, without adequate control, this habit can develop into an addiction, which has the potential to damage the balance of their lives.

The impact of children's involvement in online gambling promotions can be seen in various aspects of their lives, both psychologically and socially. One of the main impacts is emotional and behavioral disorders. Children involved in online gambling are at risk of experiencing stress, anxiety, and even depression due to the financial or social pressures they experience. They are also prone to behavioral changes, such as becoming more withdrawn, irritable, or losing interest in other activities they previously enjoyed. In some extreme cases, children who fall into

online gambling can experience serious financial problems, such as losing large amounts of money or going into debt to friends or family.

Another impact that is no less serious is academic difficulties. Involvement in online gambling promotions can distract children from their academic responsibilities. Time that should be used for studying is instead spent interacting in the digital world related to gambling. This can result in decreased academic achievement, lack of focus in school, and reduced motivation to learn. Children who are addicted to online gambling also tend to experience disturbed sleep patterns, which further worsens their academic performance.

In addition, social isolation is another significant impact. Children who are too focused on the digital world and online gambling can lose connection with family and peers in real life. They may prefer virtual interactions rather than in person, which can ultimately interfere with the development of their social skills. The inability to build healthy relationships in the real world can have an impact on their future development, both in academic, professional, and personal contexts.

By understanding the social and psychological factors that make children vulnerable to online gambling promotions and the impacts they cause, more effective preventive measures can be designed to protect children from the dangers of online gambling. Digital literacy education for children and parents is one of the main solutions in preventing their involvement in this activity. In addition, stricter regulations on gambling advertisements on social media and strengthening supervision by authorities are also important steps in reducing the risk of children being exposed to online gambling promotions. With collaborative efforts from various parties, it is hoped that a safer digital environment can be created for children and adolescents.

**Legal Implications of Children's Involvement in Online Gambling Promotion: Application of Social Engineering Theory in Preventing Children's Involvement in Online Gambling Promotion.** In the Indonesian criminal law system, children involved in criminal acts have special treatment as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). This law emphasizes the principle of child protection and prioritizes rehabilitation and social reintegration compared to retributive punishment. This aims to ensure that children involved in criminal acts continue to receive their rights as individuals who are still in the development stage. The development of information and communication technology has increased access to online gambling, which is now increasingly widespread in Indonesia. Unfortunately, children are often the target of exploitation in online gambling promotions, both as perpetrators and victims. Therefore, it is necessary to analyze the legal implications of children's involvement in online gambling promotions and the approaches that can be applied to overcome this problem.

The involvement of children in online gambling promotion can be linked to several legal provisions in force in Indonesia. In the Criminal Code (KUHP), Article 303 regulates the prohibition of gambling, while in the Electronic Information and Transactions Law (UU ITE), Article 27 paragraph (2) prohibits the distribution of electronic information containing gambling content. Based on these regulations, children who act as online gambling promoters can be categorized as perpetrators of criminal acts. Although there are criminal regulations that can be applied, the SPPA Law provides special protection for children who are in conflict with the law.

In the juvenile criminal justice system, the main principles used are restorative justice and diversion. Based on Article 1 number 6 of the Juvenile Justice and Development Law, diversion is the transfer of the settlement of juvenile cases from the criminal justice process to a process outside the criminal justice system, such as coaching and rehabilitation. This approach aims to protect children from the negative impacts of the conventional criminal justice system and ensure that they get a second chance to improve themselves. From a legal perspective, children involved in online gambling promotions can be subject to criminal responsibility. However, in accordance with the principles in the Juvenile Justice and Development Law, the approach used towards children in conflict with the law must be more oriented towards protection and rehabilitation than retributive punishment. The diversion mechanism allows children to avoid severe criminal penalties and undergo a more educational coaching process. In addition, it is important to ensure that children involved in this case receive proper rehabilitation and social

reintegration. Rehabilitation programs must include legal education, psychosocial assistance, and skills training so that children do not fall back into illegal activities. This approach is more in line with the principle of justice for children who do not fully understand the impact of their actions.

Parents also have a big responsibility in supervising their children's online activities. In many cases, lack of parental control is a factor that allows children to get involved in online gambling promotions. In addition, authorities need to encourage internet service providers and social media platforms to tighten policies related to online gambling promotions involving children. The development of digital technology has brought significant changes in various aspects of life, including in the world of gambling. One phenomenon that is of concern is the increasing involvement of children in online gambling promotions. The rise of online gambling platforms that utilize social media and digital advertising makes children a vulnerable group to exposure to gambling. Therefore

One approach that can be used is the theory of social engineering. This theory emphasizes how the social environment can be used to influence the behavior of individuals and groups through education, regulation, and community-based interventions. In the context of preventing children's involvement in online gambling promotion, this theory is the basis for building effective and sustainable strategies. Social engineering in a social context is an approach used to shape or change the behavior of individuals and groups by manipulating or exploiting the social conditions around them. This theory is widely used in social campaigns, public education, and government policies to change people's behavior in a more positive direction. In its application, the theory of social engineering includes education that provides sufficient information and understanding to the public about a particular issue, in this case the dangers of online gambling. In addition, regulation is needed to form policies and regulations that limit access or prevent individuals from engaging in detrimental behavior. Community intervention is also needed in building a social system that can support individuals so that they do not fall into negative behavior. These three aspects must run simultaneously so that prevention efforts can be carried out effectively and comprehensively.

There are several social and psychological factors that can encourage children to be involved in online gambling promotions, including peer pressure that encourages children to follow trends that are developing among their friends. If online gambling is considered a cool or profitable activity, they are more likely to participate. Lack of digital literacy is also an important factor because many children do not yet have a sufficient understanding of how digital content works, including how online gambling advertisements are designed to attract their attention. In addition, excessive exposure to gambling advertisements on social media often increases the risk of children being interested in or even participating in these promotions. Lack of parental supervision is also a major factor because parents who do not understand digital developments are often less aware of the dangers lurking for their children.

To prevent children from being involved in online gambling promotions, social engineering can be implemented through increasing digital literacy, socializing the dangers of online gambling, strengthening regulations and policies, and the active role of families and communities. Education is an important aspect of social engineering. By increasing the digital literacy of children and parents, they can better understand the risks and dangers of online gambling. Steps that can be taken include holding seminars and workshops at schools about the dangers of online gambling and how to recognize hidden advertisements on the internet, creating educational content in the form of videos, articles, or infographics that are easy for children to understand, and involving public figures and influencers to spread messages about the dangers of online gambling through social media.

In addition to education, there needs to be a social campaign that can reach more children and parents. This campaign can be done by using social media to spread information about the negative impacts of online gambling, inviting children to participate in anti-online gambling movements such as creative challenges that promote positive activities, and collaborating with schools to include this topic in the character education curriculum. Strict regulations and policies are also needed to limit children's access to online gambling. The government needs to tighten regulations regarding gambling advertisements on the internet so that they are not easily accessible to

children, develop a stricter age verification system on digital platforms, and impose strict sanctions on parties who use children to promote online gambling.

Family and community environments also play an important role in this prevention. Parents need to be more active in supervising their children's digital activities, encouraging open communication within the family so that children feel comfortable discussing their experiences in the digital world, and building a safe digital community for children by involving schools, religious leaders, and community organizations. Although social engineering strategies offer effective solutions, there are several challenges that must be faced, such as the lack of public awareness of the dangers of online gambling for children, rapid technological developments that make it difficult to control children's exposure to gambling content, limited regulations in limiting children's access to gambling platforms, and the economic influence of the gambling industry which has great power and is able to adapt to various regulations that are implemented.

The application of social engineering theory in preventing children's involvement in online gambling promotion requires a holistic approach, including education, regulation, and community-based interventions. By increasing digital literacy, promoting social campaigns, strengthening regulations, and strengthening the role of families and communities, children's involvement in online gambling promotion can be effectively suppressed. Collaboration between the government, schools, community organizations, and families is needed to create a safe digital ecosystem for children. With a comprehensive and sustainable approach, it is hoped that a healthier environment can be created that is protected from the dangers of online gambling.

The application of social engineering in child rehabilitation policies can be done through several strategies. First, legal policies must be oriented towards child recovery by providing education, skills training, and psychological guidance so that they do not fall back into illegal practices. Second, policies must involve communities, families, and schools in the rehabilitation process to create an environment that supports changes in children's behavior. Third, the implementation of diversion programs in the juvenile justice system can be a more humane approach compared to conventional criminal approaches. One of the main challenges in the application of social engineering in legal policies is resistance from various parties who still believe that criminal punishment is the only way to deal with crimes involving children. Therefore, education is needed for the community, law enforcement officers, and policy makers regarding the importance of a rehabilitative approach in shaping a better future for children involved in criminal acts.

Impact of Policy on Children's Behavioral Change Legal policies based on social engineering have a significant impact on shaping children's behavior after rehabilitation. With an approach that focuses on education and social recovery, children who were previously involved in online gambling promotion can experience cognitive and affective changes that reduce the likelihood of them returning to the world of digital crime. One mechanism that can be used to measure the effectiveness of this policy is through a behavioral economics approach, where positive incentives are given to children who successfully demonstrate behavioral changes. For example, digital-based economic empowerment programs supervised by the government or social institutions can be an alternative for children who previously earned income from online gambling promotion. By providing legal and sustainable economic opportunities, children can be encouraged to abandon illegal practices.

In addition, a supportive social environment also plays a role in strengthening the effects of rehabilitation. Active participation of families and communities in the recovery process will increase children's awareness of the legal and social consequences of their involvement in illegal activities. Continuous psychological support is also needed to overcome potential trauma or social pressure experienced by children during the rehabilitation process. Counselors and psychologists have an important role in rebuilding children's self-confidence and guiding them in developing a more positive mindset.

To ensure the effectiveness of social engineering-based legal policies in the rehabilitation of children involved in online gambling promotion, there are several recommendations that can be implemented:

1. Education and Legal Awareness: The government and educational institutions need to work together to educate children from an early age about the dangers of online gambling and its legal consequences. Digital literacy programs also need to be introduced in schools to raise children's awareness of the risks in cyberspace.
2. Strengthening the Diversion System: Diversion must be more widely integrated into the juvenile justice system to ensure that children involved in online gambling promotion are not immediately sentenced to criminal penalties, but are given the opportunity to improve themselves through rehabilitation programs.
3. Psychosocial Support: The government needs to provide more child rehabilitation centers supported by professional psychologists and counselors to provide more in-depth psychological and social guidance.
4. Multi-Party Collaboration: The role of the government, private sector, communities, and non-governmental organizations (NGOs) is essential in creating a support system that can help children who have been rehabilitated to get better employment or education opportunities.
5. Strengthening Law Enforcement against Key Actors: While children involved in online gambling promotion should be rehabilitated, the main perpetrators behind the online gambling network need to receive stricter legal action so that they do not continue to exploit children in this illegal activity.

## CONCLUSION

The involvement of children in online gambling promotion is a complex issue that requires a comprehensive legal and social approach. Although Indonesian criminal law has regulated the prohibition of gambling and the distribution of its content, children involved must receive special treatment as regulated in the SPPA Law, with a focus on rehabilitation and social reintegration. The social engineering approach is an effective strategy in preventing and handling this case. Through education, stricter regulations, and community-based interventions, children can be given a better understanding of the dangers of online gambling and get more positive alternatives. The role of parents, schools, government, and digital platforms is also very important in creating a safer digital ecosystem for children.

From a policy perspective, a rehabilitation and diversion-based approach should be prioritized to ensure that children are not only protected from retributive punishment that is detrimental to their development, but also given the opportunity to improve themselves. Meanwhile, stricter legal action should be taken against parties who exploit children in online gambling networks. With the synergy between strong regulations, ongoing education, and solid community support, children's involvement in online gambling promotion can be effectively suppressed. Legal policies based on social engineering not only provide short-term solutions, but also create more sustainable behavioral changes, so that children can grow up in a safer environment free from digital exploitation.

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